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JONATHAN DUNCAN AND VARANASI

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V. A. NARAIN Ph.D (London)



FIRMA K L MUKHOPADHYAY
CALCUTTA

CHAPTER I

INTRODUCTION

This work is a study of the life and career of Jonathan Duncan, ending in 1795 with his departure from Benares to take up his new post as Governor of Bombay—a post he held till his death on 11 August 1811 Limitations of time and space have precluded an account of his Governorship of Bombay

But the years until 1795 constitute a definite and self contained chapter in the story of his life, and the work which he did then is important enough to merit a separate study Had he done nothing else and vanished from the Indian scene in 1795, he would still have found a place among the founders of the British Empire in India

An attempt has been made to give as full an account of Duncan's life and career up to 1795 as the materials available have permitted While it has been found possible to ascertain the correct name of his parents and the place of his birth, the attempt to reconstruct his early life in England has suffered from the paucity of source materials But the sources are fairly full and complete after 1772, when he joined the services of the East India Company in Bengal While his official career has naturally formed the main subject of this thesis, an attempt has also been made to study the man and his relations with his parents and his uncle John Michie have accordingly been touched upon After describing his early career in Bengal, an analysis has been made of the conditions prevailing in Benares at the time when he took over as the British Resident there Duncan's appointment has also been discussed At a time when most of the Company's servants were engaged in private trade and making money by illegal means Duncan was considered by Cornwallis as a very upright and honest officer In describing Duncan's administrative and other reforms in Benares an endeavour has been made to point out that while the administrative structure introduced in

Benares owed its inspiration to that established in Bengal and conformed to that pattern in the broad outline, it still differed from, and in some respects was an improvement on the system prevailing in Bengal And in presenting an account of Duncan's administration while the various administrative measures have been fully described an attempt has also been made to look behind the measures and steps actually taken and to point out and underline Duncan's economic thinking and his general principles of policy

In order to understand these general principles a knowledge of his attitude towards the inhabitants of the territory he administered is essential His sympathy for the people of Benares, his respect and regard for their customs and institutions, his partiality for the Brahmans, which led people to declare that he was Brahmanised by his long residence in India, have therefore been described His contributions to Indology, his literary skill and ambitions, his scientific spirit, his deep humanism, which compelled him to wage a war against the practice of infanticide, all have required treatment in this study An attempt has been made to show that Duncan had real claims to greatness and that Kaye's description of his career as one of "unostentatious utility" fails to take note of his contributions to the building of the British administrative system in India

Philip Woodruff has drawn attention to the absence of any biography of Jonathan Duncan and pointed out that the accounts of him in Higginbotham's *Men Whom India Has Known* to which the *Dictionary of National Biography* refers is even shorter than that in the *Dictionary of National Biography* The need for a study of his life and work is therefore evident

This study has been based on both official records and also private papers

CHAPTER II

EARLY LIFE AND CAREER, 1756-1787

Adam Smith had complained of the indifference of the Nawabs of India to the welfare of the land and people of that country, but towards the end of the 18th century and in the beginning of the 19th century the Britons who had taken the deepest interest in India were those who had lived longest in it Many of these men died at the post of duty—men who had, in the words of James Douglas, "consecrated themselves to India and left their bones in it as witnesses for the ages to come "[1] Jonathan Duncan is an outstanding example of this type He was in India uninterruptedly for a long thirty nine years and died in harness on 11 August 1811 [2] According to Mackintosh, the Recorder of Bombay, Duncan had been "Brahmanised" by long residence in India He was the Governor of Bombay at the time of his death and lies buried at St Thomas' Church in Bombay, where a beautiful marble monument with the inscription "He was a good man and a just" was erected to his memory in 1817 by the British subjects of that city as a tribute of respect and esteem "[3]

It is generally believed that Jonathan Duncan was born at Wardhouse, in the county of Forfar, Scotland, on 15 May 1756, and was the son of Alexander Duncan,[4] but actually he was neither born at Wardhouse nor was his father's name Alexander There is no reason to doubt the correctness of the entry in the birth register of the Lethnott and Navar Parish which is as follows "1756 May 16, Bapd to James Duncan in Blairno and Jean Meeky his wife their son Jonathan Duncan "[5] His parents moved to Wardhouse afterwards, and the mistake

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[1] Douglas, James *Bombay and Western India* II, p 344

[2] *Dictionary of National Biography*, Vol XVI

[3] Higginbotham, *Men Whom India Has Known*, p 114

[4] *Dictionary of National Biography*, Vol XVI

[5] *Register of Births and Baptisms for the Parish of Lethnott and Navar*, General Registry Office, New Register House, Edinburgh

may have arisen from the fact that when he was the Governor of Bombay, he purchased the property of Wardhouse, where he had spent his boyhood, and where, after his retirement from the Company's service, he hoped to spend the rest of his life—a hope that, as we know, was never fulfilled [1] Even as early as 1783 Duncan had given money to his father for the purchase of the Wards This is evident from Duncan's letter to his uncle John Michie, in which he expressed his gratitude to him for advancing to his father the entire money for the purchase of the Wards although he had not so much of Duncan's money in his hands at that time [2] It might be that Duncan's father had again sold the property because of pecuniary difficulties, and that Duncan, when in Bombay, had to buy it again because of his love for the place which had been his childhood home

Very little is known about Duncan's early life and schooling In 1771, at the age of sixteen, he was nominated to the East India Company's service as a writer [3] Those were the days when recruitments to the Company's service were made on the recommendations of the directors of the East India Company Duncan must have received his nomination to the Company's service mainly through the efforts of his uncle, John Michie, who had entered the directorate in 1770, and who eventually became its chairman [4] This hypothesis is strengthened by the fact that in many of his letters to his uncle, Duncan had expressed his deep sense of gratitude to him In one letter, he wrote, "I am in good health, good spirits and perfectly satisfied with my situation and prospects provided the Company have their Charters renewed and we all be continued in service on the former footing, but should alterations be made at home, and this country (as seems not improbable) fall into the hands of

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[1] Douglas James, *Bombay and Western India* II, p 254
[2] Duncan to John Michie, 26 September 1783, Guildhall Library, MSS 5881
[3] Personal Records, Vol II, p 65
[4] Philips C H & D, "Alphabetical list of the Directors of the East India Company" (1758-1858)

Government, my reliance for being employed under the new system must, my dear uncle, rest in such case upon you who are on the spot and to whom I alone own and am indebted for the good fortune that has hitherto attended me."[1] On another occasion he wrote, "Of a Sunday, he [Ogilvie], Lumsden, Eliot, Burnet & Forbes are generally with me in the country, as we in some measure consider ourselves as a family connection, of which you are of course looked upon, as the head, & revered as the Benefactor, who has been the making of all of us—But if they feel (as they sincerely do) those sentiments of Gratitude, how ought I to be penetrated with them whose obligations are of a nature so much more intimate and weighty."[2] Duncan considered himself as the mere "stork" of Michie's hands.[3]

Duncan arrived in Bengal as a writer in 1772[4] and was placed as an assistant in the Secretary's office.[5] The next year, in 1773, he was made Dutch Translator and second assistant in the court of the Sadar Diwani Adalat.[6] His appointment as Dutch Translator suggests that he had learned the Dutch language and had acquired considerable proficiency in it—a creditable achievement for a lad of sixteen. But he had to relinquish the office of Dutch Translator in June 1774 when he was appointed, at the request of Col. Macleane, the Commissary General, an assistant in his office.[7] He had worked there for about nine months when he was appointed an assistant to the superintendent of the Khalsa (superior office of collection) in which situation he continued till 1781 when he was appointed Preparer of Reports[8]

[1] Duncan to John Michie, 4 May 1784, Guildhall Library, MSS 5881
[2] Duncan to John Michie, 22 February 1784, Guildhall Library, MSS 5881
[3] Duncan to John Michie, 6 December 1784, Guildhall Library, MSS 5881
[4] *East India Company's Civil Servants* (1771-1799)
[5] Personal Records, Vol II, p 65
[6] Ibid
[7] Personal Records, Vol II, p 65
[8] Ibid

While an assistant to the superintendent of the Khalsa, Duncan enquired into the land disputes in Sandwip Sandwip had been for many years an arena of disputes and discords There had been troubles in Sandwip since the arrival of Ram Kishore Barojia, as naib ahdadar (contractor of revenue) in 1766[1] Abuterab, one of the leading chaudharies (village headmen) of Sandwip had a fixed hatred for Barojia He along with the other chaudharies had pleaded to Gokul Ghoshal, the ahdadar, to send anybody but Barojia to collect the revenues of Sandwip[2] They had also complained of over exaction by Barojia Gokul withdrew Barojia for some time but later sent him back to Sandwip When Barojia returned he stayed with Murad, an opponent of Abuterab's[3] Barojia's return and his staying with Murad, gave offence to Abuterab and he began to create disturbances Gokul, instead of looking into the grievances of the chaudharies, despatched a force against them under Captain Nolle kins[4] and Abuterab and his associate, Mulkan Singh, were killed in the encounter[5] The presence of the English troops overawed the people of the island and taking advantage of it Barojia began to punish his oppo nents Ramakant, Akbar and Wasil, the three other principal chaudharies, whom Barojia considered hostile to him, were kept in confinement[6] and forced to assign to Gokul Ghoshal the whole of their zamindari[7] Some of the other chaudharies were also forced to assign their lands by manipulation of accounts and in other ways The petitions of the dispossessed chaudharies led the Provincial Council at Dacca to depute Duncan to Sandwip

[1] Duncan's Sandwip Report 16 September 1779, Consultation 1 August 1780, Bengal Revenue Consultations Range 50 Vol 27, pp 849-850
[2] Ibid, pp 868-869
[3] Ibid, pp 858-859
[4] Duncan's Sandwip Report 16 September 1779 Consultation 1 August 1780 Bengal Revenue Consultations, Range 50, Vol 27, pp 876 877
[5] Ibid
[6] Ibid pp 928-930
[7] Ibid pp 931-935

Duncan enquired into the complaints of dispossession by the chaudharies against the late ahdadar He found that the assignment of the property by the chaudharies to Gokul Ghoshal was made under duress and therefore was not valid[1] The custom of the country, that the sanction of the Government was to be obtained by the ahdadar prior to such assignments, had also not been adhered to[2] Therefore, Duncan recommended the restoration of lands to the dispossessed chaudharies[3] But he wanted that the restoration should be preceded by the adjustment of accounts between the chaudharies and the ahdadar so that they could know clearly their assets and liabilities He suggested that this adjustment of accounts should be made by an officer of the Khalsa[4] He recommended that so long as the accounts were not settled, the collection of the current revenues of Sandwip should be managed by the Government by appointing a Sezawal, who was also to administer justice during that period[5] He traced the revenue history of Sandwip since early times and took pains to assess the claims of the contending chaudharies by preparing a genealogical table of all the important chaudharies of Sandwip In deciding the claims of the chaudharies he was guided by the local customs and usages

Duncan submitted his report on 16 September 1779 His report is a prolix document and stretches over about eight hundred pages but it is very interesting and informative He found slavery prevalent on the island and heard complaints by the slaves against their masters[6] He set fifteen slaves and their families at liberty He also enquired into complaints made by raiyats of dis-

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[1] Duncan's Sandwip Report, 16 September 1779, Consultation 1 August 1780, Bengal Revenue Consultations Range 50 Vol 27, pp 1043-1048

[2] Duncan's Sandwip Report 16 September 1779, Consultation 1 August 1780, Bengal Revenue Consultations Range 50, Vol 27, pp 1043-1048

[3] Ibid pp 1523-1526

[4] *Ibid*

[5] Ibid p 1526

[6] Ibid pp 1311-1312

possession and undue exactions by the officers of the zamindars[1] He also found that the assessment of revenue was not sound and therefore recommended a general measurement of the lands of Sandwip[2] He also noticed the deplorable condition of the administration of justice in that island

The Sandwip report shows Duncan's open and enquiring mind It is also on evidence that he believed in doing his allotted work with sincerity and thoroughness He had been deputed to Sandwip to enquire into the claims of the dispossessed chaudharies, but he did more than that His Sandwip report gives a clear picture of the general condition of Sandwip It also shows his respect for local institutions, customs and usages Above all, it shows his independence of mind He was fully aware that Gokul Ghoshal had access to the Governor General, but he passed his decrees against him

Although Duncan submitted his report in 1779 no action was taken on it for nearly five years because of the objections of Jaynarayan, the administrator of Gokul Ghoshal's estate, who had access to the Governor General This attitude of the authorities towards his Sandwip Report was not liked by Duncan and in one of his letters to his uncle he spoke of it as "that Business which I regret on the whole that I ever undertook"[3]

But in 1783, the Committee of Revenue advised the Board of the deputation of David Burges, the surveyor of Bengal, to make a new general measurement of Sandwip and also submitted a petition from one of the complainants of that island praying that the decree passed in her favour by Duncan when he was commissioner there, might be carried into execution[4] Duncan's report in

[1] Duncan s Sandwip Report 16 September 1779 Consultation 1 August 1780 Bengal Revenue Consultations Range 50 Vol 27, pp 1314-1315

[2] Ibid pp 1531-1532

[3] Duncan to John Michie 1 December 1783 Guildhall Library, MSS 5881

[4] Committee of Revenue to Board 8 September 1783 Consultation 11 November 1783 Bengal Revenue Consultations Range 50 Vol 48 pp 140-141

evitably came up for discussion Duncan was sent for by the Board and on the proposal of the Governor-General it was decided that the entire report should be referred to the Committee of Revenue,[1] with an order that they should "carry his Decrees into execution without further Enquiry so far as they appear to be just on the face of his Report."[2] Duncan out of respect for and loyalty to the Governor-General, and sensing that the Governor-General wanted to be rid of the matter, had even suggested the procedure which was adopted[3] This attitude of Duncan can be explained. After 1781 he had come in close and intimate contact with Hastings and had received some favours from him. He therefore did not want to displease him.

The Committee of Revenue decided to implement Duncan's decrees, prevailed upon Duncan to privately draw up the necessary orders and despite the opposition of Jaynarayan who "talked of the Governor's Protection in terms which Mr. Hastings would certainly be very much displeased with him for," the decrees were implemented and the lands restored to their rightful owners[4] But in one important particular Duncan's report was not given effect to. Duncan had suggested not only that the dispossessed landlords be restored to their lands but also that there should be a settlement of accounts between them and the estate of Gokul Ghoshal. The Committee had at first confirmed this part of Duncan's decision but later on they did not think it expedient and practicable and therefore revoked their confirmation[5] Duncan was pained at this. He wrote to his uncle, "I had decided that, besides the restoration of the disposs-

[1] Duncan to John Michie, 6 December 1784, Guildhall Library, MSS 5881

[2] Board to Committee of Revenue, 11 November 1783, Consultation 11 November 1783, Bengal Revenue Consultations, Range 50, Vol 48, p 179

[3] Duncan to John Michi, 6 December 1784, Guildhall Library, MSS 5881

[4] Duncan to John Michie, 6 December 1784, Guildhall Library, MSS 5881

[5] Ibid

essed landholders to their lands, there should take place a settlement of accts [sic] between them & the estate of Gocul Ghassaul, who had oppressed them, & to this the Commee [sic] agreed, at first, as the same stands minuted on their Progs [sic], but on Jynarain's plainly tho' privately, intimating to them with a view to gain Time that, in such adjustment he would insert all the sums which he or his uncle, Gocul had for many years past given to various Europeans for the Preservation of this their ill gotten Property in Sundeep, the Committee were reduced (altho' themselves perfectly secure & invulnerable) to submit to the awkward necessity of revoking so much of their general confirmation of my decision, without having it in their power to minute any adequate cause for such a difference in their opinion, as their only motive was Jynarain's threat which could not be mentioned"[1]

In the beginning of February 1781, Duncan acted for some time as the Superintendent of the Khalsa Records when Ducarel, the permanent incumbent, was deputed as commissioner of Burdwan[2] Duncan desired to succeed to this office permanently, and secured a recommendation for his promotion in the despatches of the Court of Directors,[3] through the efforts of his uncle John Michie[4] But the office of the superintendent of the Khalsa Record was abolished by Warren Hastings before the despatches of the Directors arrived A Committee of Revenue was established at the Presidency and the other offices of the Khalsa were placed under it It was vested with the future management and administration of the public revenues and Duncan was appointed Pre

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[1] Duncan to John Michie 6 December 1784 Guildhall Library MSS 5881

[2] Press List of Ancient Documents relating to the Governor General of Bengal in Council preserved in the secretariat Record Room of Bengal Series I—Revenue Department Vol VIII p 432

[3] Court of Directors to Governor-General and Council 17 May 1780, Bengal Despatches, No 11, p 119

[4] Duncan to John Michie 4 May 1781, Guildhall Library, MSS 5881

parer of Reports for the Revenue Department[1] In this capacity he was, under the directions of the new Committee of Revenue, to continue to exercise the same functions as in his late office under the Superintendent of the Khalsa Records[2] This was a disappointment for Duncan as he had eagerly looked forward to being promoted Superintendent

Ducarel, the late Superintendent, however, had an interview with the Governor General, in the course of which he pointed out to him that the abolition of the office would fall very severely on Duncan, who had been so long waiting for the succession[3] Hastings realised this, and one fine morning he summoned him to his garden and in a very polite and kind manner told him that he had found it necessary to abolish Ducarel's office, but that he did not wish Duncan to be the loser by its abolition[4] He enquired of him his present salary and allowances and a few days later, he received a new nomination, or rather succeeded to the remains of Ducarel's old office, and was given an inferior proportion of the commission which was to be allowed to the new Committee and its principal assistants[5] According to the new plan the members of the Committee, their secretary and the assistant of the late Superintendent of the Khalsa Records were allowed, on the passing of each month's account, a commission of two per cent on all net sums paid immediately into the treasuries at the Presidency, and one per cent on all sums paid into the treasuries which remained under the charge of the chiefs and collectors on account of the public revenue, in the course of each month, after deducting the charges incurred in

[1] Government to Duncan 9 February 1781, Consultation 9 February 1781, Bengal Revenue Consultations, Range 50 Vol 30, pp 680-682

[2] Ibid

[3] Duncan to John Michie 4 May, 1781, Guildhall Library, MSS 5881

[4] Duncan to John Michie, 4 May 1781, Guildhall Library, MSS 5881

[5] Ibid

the same month[1] Duncan was now almost satisfied with his situation, and did not so much regret the shock that deprived him of the appointment he had so long set his heart upon, because he was now at the head of an office[2] He now had an independent charge, where he received ample opportunity to show his abilities

In 1782, on the recommendation of the Committee of Revenue, the Governor-General and Council agreed to the revival and re-establishment of the office of the Khalsa known by the name of Mazuli Daftar, because of the great proportion of revenue that was being collected immediately at the Khalsa[3] The new plan on which this office had been re-established included the very important duty of ascertaining the means of recovering outstanding balances besides the former duty of bringing to an adjustment the various disputed and complex accounts that generally occurred between the native renters and officers of the collections[4] Duncan, who had been so many times recommended to the notice of the Governor General and Council by the Court of Directors,[5] was appointed to the superintendence of this office in addition to his own duties as Preparer of Reports, not only because of his long experience in the Khalsa but also because his office of Preparer of Reports, had so natural a connection with that of the Mazuli Daftar.[6]

In October 1782, Duncan was especially deputed to Patna in order to recover the balance due from Maharaja Kalyan Singh or to dispossess him of his lands[7] A con-

[1] Governor-General and Council (Revenue Department) to the Court of Directors, 5 May 1781, Bengal Letters Received, No 19, pp 431-433

[2] Duncan to John Michie, 4 May 1781, Guildhall Library, MSS 5881

[3] Governor General and Council (Revenue Department) to the Court of Directors, 27 November 1782, Bengal Letters Received, No 20, pp 165-166

[4] Ibid, pp 166-167

[5] Ibid

[6] Ibid

[7] Committee of Revenue to Board, 11 November 1782 consultation 20 November 1782, Bengal Revenue Consultations Range 50, Vol 42, p 128

siderable portion of the revenue was due from the districts in Bihar which were then farmed by Maharaja Kalyan Singh, and every effort on the part of the Committee of Revenue had failed to make the Raja fulfil his engagements, although no circumstances whatsoever seemed to occur to prevent the Raja from collecting the revenues from the under renters[1] The Committee was satisfied that this default on the part of the Raja in the payment of the revenue to the Company must have arisen from his incapacity to manage his farm, and, therefore, they deputed Duncan there to make new settlements[2] He was able to recover a considerable part of the arrears from the Maharaja, who also promised to pay the balance within a short time The Committee, therefore, on the recommendation of Duncan suspended their resolution to dispossess Kalyan Singh[3] Duncan, when at Patna, besides realising the revenue due from Maharaja Kalyan Singh, also helped him in adjusting his accounts with his under renters[4]

While engaged in removing the obstacles which impeded the smooth and regular flow of revenue from the Bihar districts to the treasuries of the East India Company, Duncan also found himself exercising his talents as a linguist

Sir Elijah Impey, when he was the Chief Justice of the Sadar Diwani Adalat, had established a voluminous code of Judicial Regulations for all the provincial and native courts of adalat throughout the provinces This code it was thought proper to translate into Persian and Ben-

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[1] Governor-General and Council (Revenue Department) to the Court of Directors, 27 November 1782, Bengal Letters Received, No 20 p 169

[2] Ibid

[3] Committee of Revenue to Board, 11 November 1782, Consultation 20 November 1782, Bengal Revenue Consultations, Range 50, Vol 42, p 128

[4] Committee of Revenue to Board 26 November 1782, Consultation 26 November 1782, Bengal Revenue Consultations, Range 50, Vol 42, p 164

gali[1] But the translation of such a large work was not an easy task and Duncan thought that those whose regular duty it would have been, avoided it, partly from incapacity and partly from a wish to avoid labour[2] The Persian part was allotted to William Chambers, Persian Interpreter to the Supreme Court and brother of Sir Robert Chambers, one of the judges in the Sadar Diwani Adalat in Calcutta[3] On an application from him regarding the terms for the translation, the Governor General and Council agreed to allow him two thousand rupees per month[4] Soon afterwards Duncan was requested by the Government to translate the new code into Bengali[5] In spite of his heavy official duties Duncan undertook this work, completed it and delivered it to the Board in February 1783, soon after his return from Patna and without having in the meantime been promised any reward[6] He had thought that he would get the same allowances as Chambers because the nature of the work was similar But the Board allowed him only a gratuity of fifteen thousand sicca rupees[7] He was not entirely pleased with the decision of the Board, as Chambers had been allowed to draw thirty two thousand rupees until then, even though he had not completed the work, and would have continued to draw more had Duncan not submitted his Bengali translation He naturally resented this differential treatment, but he understood that the Board had been unjust to him not because of the ill will

[1] Duncan to John Michie, 20 October 1783 Guildhall Library, MSS 5881

[2] Ibid

[3] Ibid

[4] Resolution of the Board 8 March 1782 Consultation 8 March 1782, Bengal Revenue Consultations, Range 50, Vol 39, p 215

[5] Resolution of the Board 26 March 1782 Consultation 26 March 1782, Bengal Revenue Consultations Range 50, Vol 39, p 397

[6] Duncan to John Michie, 20 October 1783 Guildhall Library, MSS 5881

[7] Resolution of the Board 8 April 1783, Consultation 8 April 1783, Bengal Revenue Consutations, Range 50, Vol 45, pp 153-154

they bore him, but from the fear that their conduct in suffering Chambers to draw so much might be condemned by their honourable masters in Leadenhall Street[1] This is evident from the Government's letter of 28 October 1783 *to the Court of Directors* "We wished not to have lessened in this respect the value of Mr. Duncan's labours compared to those of Mr Chambers, but the expense of the Persian Translation having (for reasons assigned by Mr. Chambers) far exceeded our expectation, we therefore allowed the former gentleman a gratuity considerably less than the expenses occasioned by the Persian Translation"[2]

Duncan wanted his uncle to help him in this matter He wrote to him, "My object in all this representation which is strictly fact in every item, is to induce you, if possible *to support my interests in the Direction and* thereby to procure me an equal reward with Mr. C to which I am most clearly and evidently entitled by the common rules of parity."[3] We know from subsequent letters of Duncan to Michie that this injustice was not redressed although he had been given hopes that when the financial position of the Company should improve he would be paid the balance[4] Duncan also translated the Pitt's India Act into Bengali

Thus it seems that Duncan had now not only learnt Dutch but also Bengali He seems to have been versatile because Bengali was supposed to be a difficult language, more difficult than Persian Many of the Compay's servants had some knowledge of Persian but Ben-

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[1] Duncan to John Michie 20 October 1783, Guildhall Library, MSS 5881

[2] General Letter from the Law Department to the Court of Directors, 28 October 1783, *Home Miscellaneous, Vol 184*, p 238

[3] Duncan to John Michie, 20 October 1783, Guildhall Library, MSS 5881

[4] Duncan to John Michie, 6 December 1784 Guildhall Library, MSS 5881

[5] Duncan to Government, 16 March 1785, Consultation 23 March 1785, Bengal Revenue Consultations, Range 50, Vol 58, p 27

gali could be understood by "but a very few of Company's servants"[1] Duncan had a good knowledge of Persian too In his article "Historical Remarks on the coast of Malabar, with some description of the manners of its inhabitants," he mentioned that he secured information about Malabar from a Malabari copy of the book "*Kerul Oodputtee*" which he first caused to be translated into Persian and then himself translated into English[2] His love for Persian is also suggested by the fact that the fourth volume of Mir Khavand's *Raudatalsafa* or universal history formed part of his library[3] It was because of his knowledge of Persian and Bengali that Cornwallis in 1787 expressed his desire to take him with him in his proposed tour of the Upper Provinces in July of that year, most probably to use him as an interpreter[4]

Duncan was indeed on very cordial terms with the Governors General under whom he served It was in 1781, at the time of his appointment as Preparer of Reports, that he first came in contact with Hastings, who since then employed him "in arranging several little matters for him," before bringing them up at the Board[5] Hastings was on the whole well pleased with him In the General Letter to the Court of Directors of 5 May 1781, which mentioned Duncan's appointment, Hastings himself added at the end of the last paragraph that it was "equally suited to our Experience of his Industry and Abilities"[6] Duncan wrote to his uncle about his growing friendship with Hastings "on the whole I have grown to be on a very good footing with him and am now only afraid lest the Company should not be as well satisfied

[1] Duncan to John Michie, 20 October 1783, Guildhall Library, MSS 5881

[2] *Asiatic Researches* Vol V, p 1

[3] Catalogue of Persian Manuscripts, Vol 1, p 19, India Office Library

[4] Duncan to John Michie 17 February 1787, Guildhall Library, MSS 5881

[5] Duncan to John Michie 4 May 1781, Guildhall Library, MSS 5881

[6] Duncan to John Michie, 4 May 1781, Guildhall Library, MSS 5881

with him as I am, as he has emptied their Treasury, and even loaded them with a debt which, however, unavoidable the wars that have occasioned it may have been, (of which I pretend not to judge) will not, I dare say, prove grateful tidings to the proprietors, or to the people of England in general"[1] Duncan had for some time past found in Hastings a warm and steadfast friend[2] He wrote again to his uncle, "The Company have for so many years past been so severe upon Mr Hastings, that it's enough to harden his heart, but I sincerely believe he has always meant and acted for the best, and it is not for me to judge how far under such circumstances, he may have merited the severity of the censures passed on him, but, I confess, I wish him well, and the goodness of his heart will I am convinced make him liked and respected, wherever he is situated"[3] He was sorry at Hastings's decision to go back home in Feburary 1785 In this connection Duncan had written to his uncle, "I myself believe he will go, at which, I am not, you may believe, rejoiced, as ever since 1781, he has been a fast friend to me, not, I believe, from any personal regard, but from our official connection—among other things he has often done the honour of speaking of me, and that on occasions when he could not suppose I should ever hear of it, in terms certainly much better than I deserve, but for which I am not the less obliged to him"[4]

Hastings had full praise for Duncan even when he left India,[5] and so had Sir Elijah Impey, who considered him as one of the most sensible and industrious young men in Bengal[6]

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[1] Ibid

[2] Duncan to John Michie, 8 February 1784, Guildhall Library, MSS 5881

[3] Duncan to John Michie 8 February Guildhall Library, MSS 5881

[4] Duncan to John Michie, 6 December 1784, Guildhall Library, MSS 5881

[5] John Michie to Duncan, 2 July 1785, Guildhall Library, MSS 5881

[6] John Michie to Duncan, 17 November 1784, Guildhall Library, MSS 5881

With Macpherson, the temporary successor to Hastings, Duncan was on quite friendly terms Hastings had predisposed Macpherson in his favour and Duncan had a high place in his good opinion [1] "In fact I enjoy to the full as much of Mr Macpherson's confidence as I did of Mr Hastings and he has repeatedly declared he wishes to consult me on all country and Revenue business' [2] On Macpherson's proposal, the Board extended Duncan's judicial powers [3] He was authorised to receive and either try himself or cause to be tried by the proper courts, all revenue causes relating to Indians Formerly this function had been performed by the Superintendent of the Khalsa but he had heard only such petitions as were expressly referred to him Because of this limited authority there was a large accumulation of causes Therefore, to obviate the delay in the disposal of such causes Duncan was empowered to hear petitions and causes without waiting for any reference to him [4]

Macpherson used to obtain Duncan's opinion in revenue matters Duncan was of immense help to Macpherson in his efforts to combat the financial distress of the Company when he tried to overcome the deficiency of specie by issuing certificates bearing interest at 8 per cent per annum until redeemed [5] Cornwallis wrote to Dundas on 8 August 1789 that Macpherson "sometimes made a good regulation by the advice of J Duncan, but never had the spirit to enforce it, nor had he a mind sufficiently upright to avail himself, to any purpose, of such counsel

[1] Duncan to John Michie 30 January 1785, Guildhall Library, MSS 5881

[2] Duncan to John Michie, 24 March 1785, Guildhall Library, MSS 5881

[3] Resolution of the Board, 23 March 1785, Consultation 23 March 1785 Bengal Revenue Consultations Range 50, Vol 58, pp 17 18

[4] Macpherson s Minute, 23 March 1785, Consultation 23 March 1785, Bengal Revenue Consultations, Range 50, Vol 58, pp 16-17

[5] Forrest, G W (ed), *Selections from the State Papers of the Governors General of India—Cornwallis*, Vol 1, p 8

as Duncan was always ready to give him "[1] Whatever may have been the shortcomings of Macpherson, he was on the very best of terms with Duncan, whom he appointed as Assistant Secretary to the Revenue Department in February 1786 in addition to his office as Preparer of Reports[2] Duncan had a very high opinion of Macpherson's abilities and at the time of Macpherson's departure from India, he wrote to his uncle, "I still think that he has done more good to the Company for the time he held the government than any one of his predecessors ever did "[3] Duncan's good opinion of Macpherson might perhaps have been connected with the fact that Macpherson, too, had a good opinion of him

To Cornwallis Duncan owed all his future appointments, although in the beginning his behaviour towards Duncan was not to the latter's liking[4] It may be that Cornwallis was in the beginning prejudiced against Duncan because he was in the good books of Macpherson, for whom Cornwallis had a great dislike But soon his ideas about Duncan underwent a change and he found him an honest and sincere worker It has been said that Duncan was "Cornwallis's man and Cornwallis did not like anything flashy or pretentious Good honest worth was what he looked for and in this case found "[5] Cornwallis came to approve highly of Duncan, and in February 1787 he assured him that he would be happy to have him as secretary of the Revenue Department in the vacancy to be caused by the likely appointment of Bruere, the secretary to the Board of Trade[6] He res-

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[1] Cornwallis to Dundas 8 August 1789, Public Record Office, 30/11, Box 150

[2] Resolution of the Board, 2 February 1786, Consultation 2 February 1786, Bengal Revenue Consultations, Range 50, Vol 64, p 230

[3] Duncan to John Michie, 17 February 1787, Guildhall Library, MSS 5881

[4] Ibid

[5] Woodruff, Philip, *The Man Who Ruled India The Founders*, p 238

[6] Duncan to John Michie, 17 February 1787, Guildhall Library, MSS 5881

tored to Duncan the charge of opium which had been taken away from the Preparer of Reports in 1782[1] He also expressed his desire to take him with him in his tour of the Upper Provinces, which he proposed to undertake in July of that year In June 1787, Duncan was appointed Secretary to the Public and Revenue Departments[2] and in July he was chosen to fill the important office of Resident of Benares because of his honesty and integrity[3] Cornwallis had considered the idea of appointing Duncan as "comptroller" with power over the collectors in the province of Bihar, but decided eventually to give him a trial at Benares first[4] "With all his honesty and ability" said the Governor General, "I doubt whether he would have sufficient authority over men of equal standing in the service"[5] But Cornwallis himself preferred Duncan to many other officers who were senior to him in the Company's service He preferred Duncan because there was a blending of many good qualities in him He wrote to Nathaniel Smith in November 1789 recommending Duncan for Shore's seat in the Council stating "there are many good men before him, but believe me there are none equal to him, and who possess, besides good health, which is a very material article, so complete an union of the following qualifications—knowledge, application, integrity, and temper which, although I have put it last, I can assure you is not the least useful"[6]

Thus for about sixteen years Duncan had to work in various subordinate capacities That these years of apprenticeship were by no means easy and devoid of disappointments both professional and personal, can be

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[1] Ibid

[2] Resolution of the Board 13 June 1787, Consultation 13 June 1787, Bengal Revenue Consultations, Range 51, Vol 7, p 522

[3] Resolution of the Board, 13 July 1787, Consultation 13 July 1787, Bengal Revenue Consultations, Range 51, Vol 8, p 1057

[4] Aspinall, A *Cornwallis in Bengal* pp 19 20

[5] Aspinall A *Cornwallis in Bengal* pp 19 20

[6] Cornwallis to Nathaniel Smith, 9 November 1789, Public Record Office 30|11, Box 157

gathered from his letters to his uncle

The disappointment caused to Duncan by the abolition of the office of the Superintendent of the Khalsa Records and the disparity in the payment for his translation of the judicial regulations has already been noted Duncan also suffered from some eye trouble [1] However he soon recovered from it And in 1784, his brother John died In his death, Duncan "lost a warm friend and excellent man" and the loss was the more severe to him, as it was an event that he thought he "had no reason to look for" [2]

Duncan was also worried over his finances The salary and allowances that the East India Company paid him were more than sufficient to enable him to live in India in reasonable comfort but he had ambitious plans of saving enough money to be able to go back home after some years Brahmanised he may have been by his long years of residence in India, but he never forgot that he belonged to Britain and he always preserved a deep emotional attachment to the land of his birth Though Duncan's plan of returning home never materialised, his persistent yearning for home is clearly revealed in his letters to his uncle In one of these letters, he enquired how much money would be sufficient for him to return to England and lead the rest of his life there in peace [3]

To reduce his expenses, Duncan in January 1785 shifted to a countryside garden house on the banks of the Ganges He had bought it for thirty thousand rupees and hoped to sell it for the same price if the need arose [4]

While the desire to return home impelled Duncan to economise as much as he could, his love for his parents and his duty towards them compelled him to unloosen the strings of his purse Although he had bidden good

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[1] Duncan to John Michie, 26 September 1783, Guildhall Library MSS 5881

[2] Duncan to John Michie 14 March 1784 Guildhall Library MSS 5881

[3] Duncan to John Michie 16 August 1785, Guildhall Library MSS 5881

[4] Duncan to John Michie 22 February 1784 Guildhall Library MSS 5881

bye to them as a lad of sixteen, his attachment to his parents was sincere and sustained, and he always remained a loving and dutiful son Not only did he help with the money which enabled his father to purchase Wardhouse, but he also used to give his father a yearly allowance of sixty pounds sterling[1] He wrote to his uncle more than once that he was anxious to increase the ease and happiness of his parents and requested him to give them additional money whenever they needed it[2] His uncle was very pleased with him for this benevolent attention to his parents[3]

Moreover, Duncan lost some money because of the ungratefulness of friends on whom he relied very much and against whom his uncle used to warn him His uncle wrote to him, "you have not, nor indeed can have at your time of life the necessary knowledge of mankind to guard against their arts"[4] In 1783, Duncan lost two thousand rupees which he had sent home through one Dr Ross who never reached England and most probably went to Turkey and settled there[5]

While cutting his expenses and licking his financial wounds, Duncan had to prepare himself to receive yet another blow By an order sent out by the Court of Directors, all the servants of the Bengal establishment had been obliged to give in true accounts of their emoluments and salaries[6] Accordingly, in compliance with a circular letter from the Bengal Government to all the

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[1] Duncan to John Michie, 26 September 1783, Guildhall Library MSS 5881

[2] Duncan to John Michie, 26 September 1783, and 6 August 1785, Guildhall Library, MSS 5881

[3] John Michie to Duncan, 18 January 1786, Guildhall Library, MSS 5881

[4] John Michie to Duncan 17 November 1784, Guildhall Library, MSS 5881

[5] Duncan to John Michie, 26 September 1783, Guildhall Library, MSS 5881

[6] Court of Directors to Governor General and Council 1 March 1783 Bengal Despatches No 12 pp 719 720

Company's covenanted servants,[1] Duncan was obliged to transmit to the Government a statement of his allowances The total amount he had drawn was Rs 5,277 As 12 P 8 per mensem,[2] which was likely to seem exorbitant to some of the directors because of the financial position of the Company, although the allowances of his predecessor, Ducarel were about eighty thousand rupees per annum[3] Since Duncan was apprehensive of the reduction of his allowances by the Directors, he requested his uncle to speak strongly in his favour when the question of reduction of salary came up for discussion in the Court, and to emphasize the heavy and responsible duties that he performed[4] Duncan held three posts at a time but the emoluments of all of them were not equal to those of a member of the Committee of Revenue, which he said he might have been long before had he wanted[5] His allowances also included the amlenama fees These constituted a due of two per cent, which the Government had ordered some years ago to be paid by the renters of the revenue on their annual lease[6] At first the collection of this fee was made separately by the secretary through the provincial collectors and it did not appear in the Company's books, but when the Committee of Revenue were appointed it began to be collected and paid through them Since every year some part of the revenue remained unrealised, the Committee, in order to make the collection of the public revenue appear fuller, threw the arrears of their amlenama fees, for the most part into

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[1] Circular Letter to all the Company's covenanted servants upon the Bengal Establishment, 18 December 1783, Guildhall Library, MSS 5881

[2] Duncan s reply, 29 January 1784 to the Circular Letter Guildhall Library MSS 5881

[3] Duncan to John Michie 8 February 1784, Guildhall Library, MS 5881

[4] Duncan to John Michie 8 February 1784, Guildhall Library MSS 5881

[5] Duncan to John Michie, 22 February 1784, Guildhall Library, MSS 5881

[6] Duncan to John Michie, 14 March 1784, Guildhall Library, MSS 5881

the head of their balances, so that this fee had accumulated to a considerable sum in the revenue books that were sent to England Duncan passed on this information to his uncle with the hope that he would explain this position to the other directors so that they might not send any orders regarding it, which might be prejudicial to him [1]

Since the very existence of the Company depended upon a reduction of expenses, both civil and military, Duncan's allowances could not remain untouched They were reduced and fixed at forty-five thousand rupees per annum [2] Duncan was apprehensive of a further reduction but he told Michie that he hoped that the justice of his case, assisted by his uncle's good offices, would secure him from this [3]

While Duncan was in the midst of this financial stress another event occurred which caused him disquiet The Pitt's India Act of 1784 contained many clauses regarding the servants of the Company, which gave disgust to many of them in India In particular they did not like that part which obliged them to reveal their private fortunes [4] Duncan declared that he was not in the least affected by this Act because he had not amassed money nor had he ever made a single farthing by illegal means [5] He wrote to his uncle, "The act of Parliament as far as regards the severe clauses in it, & it's stigmatising us all in general & holding us out to the World in the most odious light, has given great offence here, but very little to me, who feel myself perfectly invulnerable to all its shafts "[6] A meeting was called by the Sheriff at the instance of the

[1] Duncan to John Michie 14 March 1784, Guildhall Library, MSS 5881

[2] Resolution of the Board, 11 July 1785, Consultation 11 July 1785, Bengal Revenue Consultations Range 50, Vol 59, p 18

[3] Duncan to John Michie, 6 August 1785, Guildhall Library, MSS 5881

[4] Ibid

[5] Duncan to John Michie, 8 February 1784, and 1 March 1785, Guildhall Library, MSS 5881

[6] Duncan to John Michie, 6 August 1785, Guildhall Library, MS 5881

Grand Jury to take the new Act into consideration and express their resentment [1] Duncan went to this meeting out of curiosity as a spectator but came away in a very short time He was therefore considerably surprised to learn that he had been elected in his absence with fourteen other gentlemen to form a committee to draw up a petition to His Majesty and the two Houses of Parliament against the obnoxious parts of the Act This event made Duncan uneasy not because he differed materially in opinion from the generality in this respect—on the contrary he felt that they were entitled to lay a respectable representation of their sentiments on an Act that so much affected them—but because he was afraid that his share in the matter would be disapproved of by his uncle [3] He, however, wrote to his uncle that he would agree to nothing that was not of a respectable tendency and would act as a moderating influence in the committee [4]

Duncan's participation in this affair did not meet with the approval of his uncle who thought that it would prove a real injury to him [5] Michie thought that Duncan's "transgression" would be imputed to him, as he was looked upon by some as a Foxite because of his association with Fox's Bill [6] He was very much afraid of the evil consequences which would come upon Duncan He wrote to him that "orders may be sent out by Lord Cornwallis to Dismiss you with many others from the service" [7] He also wrote "Indeed for some time past I have been vain enough to flatter myself with a hope, that you had a tolerable prospect of rising in time to the highest station in the service, but that hope is now almost totally

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[1] Duncan to John Michie, 6 August 1785, Guildhall Library, MSS 5881

[2] Ibid

[3] Duncan to John Michie 6 August 1785 Guildhall Library MSS 5881

[4] Ibid

[5] John Michie to Duncan 18 January 1786, Guildhall Library, MSS 5881

[6] Ibid

[7] Ibid

vanished."[1]

Duncan did not attend the first meeting of the committee on 15 February 1787 partly to respect his uncle's wishes and partly because it was to be held in the evening in the town whereas he lived in his garden house in the country.[2] This meeting seems to have been the last one in this connection and it was decided in it to acquiesce in whatever should be done at home.[3] Thus ended smoothly what seemed to be a difficult affair.

Michie watched even Duncan's private life and in one letter he warned him that if ever he wanted to marry in India, he should be very careful in the selection of his bride because "some very strange young women" of "slender characters" went to India every year.[4] In spite of this caution, however, it appears that Duncan actually married in India. It is true that some have maintained that he was a bachelor.[5] But after a perusal of William Mercer's correspondence it can be said beyond doubt that he was a married man and that his wife's name was Annie Mercer.[6] She was the sister of William Mercer, a captain in the Bengal army. Duncan married her in 1791 but what happened to her afterwards is not known, for in Bombay he lived as a single man. While in Bombay, he developed a connection with one Mrs. Jane Julia Allen from whom he had a natural son named Jonathan,[7] who became a famous writer and currency reformer. Duncan loved Mrs. Allen much, and wrote of her in his will that "she is an excellent woman, has deserved well of me, & will ever enjoy my utmost esteem."[8] She came back to England in 1801.

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[1] Ibid.

[2] Duncan to John Michie, 17 February 1787, Guildhall Library, MSS 5881

[3] Ibid.

[4] John Michie to Duncan, 14 January 1784, Guildhall Library, MSS 5881

[5] Douglas, James, *Bombay and Western India*, II, p 346

[6] William Mercer to Mrs. Duncan (Annie Mercer) 4 August 1791, *Bengal Past and Present*, Vol 44, p 143

[7] Duncan's Will, India Office Library.

[8] Ibid

Duncan consulted Michie on all important matters He had appointed him and his other uncle, Jonathan Michie, as his joint attorneys [1] They were to receive all his bills and carry on all his transactions in England Significantly enough, one of the attesting witnesses to the formal power of attorney that Duncan executed was one Radhamohan Mullick[2]—an eloquent pointer to Duncan's friendly and intimate contacts with Indians

But these years of disappointments, financial anxieties, bodily ailment and bereavement were also years of preparation and growth, of hard work and recognition Not only had the lad of sixteen developed into a fine specimen of British manhood, the raw recruit of 1771 had been transformed into a tried and trusted officer of the Company Designated one of the brightest young men of the settlement, he had brought to bear on every work entrusted to him the qualities of 'knowledge, application, integrity and temper' about which Cornwallis had spoken in one of his letters

His relationship with the powerful John Michie was no doubt an advantage in the Company's service but the man who had earned the good opinion of Cornwallis must have been something more than Michie's favourite nephew The fact that Cornwallis, who was an excellent judge of people and whom nobody could accuse of subservience to the men of Leadenhall Street, selected Duncan for the residency of Benares, passing over a number of his senior colleagues, is proof positive of the fact that Duncan had won his spurs in the Company's service

But these years in Bengal were mere years of apprenticeship and promise Duncan was still merely the young officer who had been 'mentioned in the despatches', he had yet to obtain the command which was to establish his reputation His life's work had yet to be done and it lay elsewhere Not Anglo Indian Calcutta but Benares, the famous citadel of Brahmanism, witnessed the

[1] Duncan to John Michie, 28 April 1783, Guildhall Library, MSS 5881

[2] Execution of formal power of attorney, 28 April 1783, Guildhall Library, MSS 5881

efflorescence of the genius of the Brahmanised Briton. And it was from his headquarters in that historic city that Duncan directed the activities which assured him a place in history and a niche in the temple of administrators and empire builders of Britain.

So for Duncan at least it was a historic moment when he was called upon to head the residency at Benares.

CHAPTER III

THE CONDITION OF BENARES AT THE TIME OF DUNCAN'S APPOINTMENT

Benares at the time of Duncan's appointment was a scene of the grossest corruption and mismanagement It had decayed and was decaying The civil government was in a state of collapse The people were oppressed, agriculture was declining and trade was dwindling

By the Treaty of Lucknow, signed on 21 May 1775, the Nawab-Vizier of Oudh had agreed to cede "unto the English Company all the districts dependent on the Raja Chait Sing, together with the land and water duties, and the sovereignty of the said districts in perpetuity"[1] After the lapse of a year, on 15 April 1776, a sanad was granted to Chait Singh by the British Government, confirming him in the zamindari of the province, and making over to him the civil, criminal and police jurisdiction of Jaunpur and Benares, the mint of Benares, the customs duties, and a number of monopolies, on condition of paying Rs 22,66,180 per annum[2] From this day was stationed an English Resident at Benares

No doubt agriculture, trade and commerce flourished under Chait Singh, but even under him the civil government was not very effective The life and property of the inhabitants were not secure It was even said that "the government of Bulwant Sing [1738 1770] though famed for its comparative vigour exerted its power in regulating rather than punishing the robbers that infested his domains and the Rajah himself was supposed to have kept a numerous banditti in his pay"[3] Thus it seems that Benares had long been deficient in law and

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[1] Aitchison *Treaties Engagements and Sanads* II p 76

[2] Ibid p 43

[3] Report by Beaufoy on the measures adopted by the Governor General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous, Vol 379, p 189

order. In the words of Warren Hastings, "Whilst however the sovereignty over it was retained by the Nabob of Owd, some appearance of public justice was still preserved, and the awe of a despotic prince produced restraints on the minds and actions of individuals which bore a resemblance, however faint, to the effects of more regular and perfect institutions But these restraints ceased with the cause which produced them "[1] Matters became worse in the time of Chait Singh No doubt by the Treaty of 1775 the superintendence of police and administration of justice had been made over to the Raja but there was no regular system of police or justice in Benares[2] Graham wrote to Hastings that there were "no established Courts of Justice now at Benares nor any regular Form of Trial But everything of that kind is conducted at the Pleasure of the Raja's Dependents and is of course either distributed or obstructed as may best suit their own private views "[3] Therefore, there was lawlessness and confusion throughout and Hastings often had to complain to the Raja about this The insecurity to life and property was so great that on 14 November 1780 a gang of robbers not only insulted three English officers near the village of Barpur in the jurisdiction of the Raja but also injured one of them and killed three of their servants[4] Hastings complained about it to the Raja but the offenders could not be apprehended because of the Raja's neglect[5] In 1781 Hastings again protested to Chait Singh against his neglect of his duty He complained of the increase in

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[1] Hastings to Wheler and Macpherson, 1 November 1781, Hastings, *A Narrative of the Insurrection at Banaris* Appendix Part I, pp 20-21

[2] Hastings to Major Scott, 1 January 1782, British Museum Add MSS 29129, pp 13-14

[3] Graham to Hastings, 22 December 1779, Fowke's Papers Eur MSS G 3, p 14

[4] Governor-General to Raja Chait Singh, 15 December 1780, *Calendar of Persian Correspondence*, Vol IV, pp 13-14

[5] Fowke to Hastings, 30 January 1781, The Fowke MSS Eur G 3, pp 129-130

robberies and murders even in the city of Benares, which he considered a great slur on the English name[1]

But the maladministration continued Markham writing to his father about law and order under Chait Singh observed that "The internal police of his own country was, beyond precedent, infamous Murder, robbery, and rapine passed without enquiry Neither the governor-general's positive orders, nor my most earnest entreaties, had any effect in procuring justice to individuals His own debaucheries were notorious, even to crimes which we think degrading to human nature'[2] When Hastings went to Benares in connection with his dispute with Chait Singh, which ultimately led to the flight and deposition of the latter, he saw for himself the deplorable state into which the province had fallen He observed that from the time of the transfer of power to Chait Singh, "the appearance of public justice was gradually effaced, until at last without any system of police, any court of judicature, or any awe of the sovereign power, the inhabitants of Banaris were guilty of enormities and crimes which reflected the greatest disgrace on the government to which they were subject The relations and dependents of the Rajah, or the merchants whose credit was useful in the payment of the revenue, might violate the rights of their fellow citizens with impunity, and the sacred character of a Brahmin, or the high rank of the offender were considerations which stamped a pardon on the most flagitious crimes"[3]

After the flight and deposition of Chait Singh, Mahip Narain was invested and proclaimed Raja on 30 September 1781 and his father Durgvijayi Singh was at the same time invested with the office of Naib[4] The Raja was

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[1] Governor-General to Raja Chait Singh 8 August 1781, Bengal Secret Consultations, Range A, Vol 61, p 118

[2] Markham to his father, 3 January 1782, cited in Davies, *Warren Hastings and Oudh* p 146

[3] Hastings to Wheler and Macpherson, 1 November 1781, Hastings, *A Narrative of the Insurrection at Banaris* Appendix Part I, pp 20-21

[4] Hastings, *A Narrative of the Insurrection at Banaris* p 51

made just a nominal head and the responsibility of the administration was vested in the Naib.[1] The Raja was to pay forty lacs of rupees annually as tribute to the Company[2]—nearly twice the amount that Chait Singh used to pay. Hastings wrote to Major Scott on 1 January 1782, "I lost the zemindarry with a Rent of 22 lacks. I recovered it with a Revenue of 40."[3] Hastings resolved not to allow Mahip Narain "the exercise of any priviledge [sic] or authority on which an opinion of independency could be founded."[4] He accordingly took from him the mint, the police, the general administration of justice and the right to levy fees and maintain fortresses.[5] The whole administration passed to the British. Although nominally revenue was still under the supervision of the Raja, virtually it was under the management of the Naib and the Resident, who advised the Raja on all difficult points and saw to it that the tribute was regularly paid.

After settling the question of the succession and fixing the amount of tribute from Benares, Hastings turned his attention to the reformation of the civil government. He had seen for himself its weaknesses He recognised the Company's responsibility for the judicial administration and for the preservation of law and order in all territories over which the English claimed sovereign rights.[6] He therefore established three distinct departments for the police and the civil and criminal jurisdiction of the city and placed them under the control of a Chief Magistrate who was subject to the immediate orders of the Board.[7] Hastings was optimistic about the establishment of the three departments, particularly the Police, and in a letter to Major Scott he wrote, "The Police which I have esta-

itself, the province depending upon it is in effect without a Government, the naib exercising only a dependent jurisdiction without a principal "[1]

Bereft of the blessings of civil government and public justice, the people of Benares were plagued by a ruinous system of revenue administration which had become an instrument of extortion

The tribute of forty lacs per annum was a heavy demand It had been based on imperfect accounts supplied to Hastings by the Naib, because all the authentic accounts had been either carried away or destroyed by Chait Singh and all the principal revenue officers who could have given him any information had accompanied the Raja in his flight[2] Hastings himself was conscious of this heavy demand and had written to the Board in 1781, "Altho' I am convinced that with proper management the zemindarry might yield an amount considerably exceeding that which I have taken as the estimate of its' value, yet I must express my apprehensions that unless the Naib can find means to avail himself of better official assistance than he at present possesses, his real profits will fall below their allowed amount "[3]

Thus the Naib had no easy task to perform The able and experienced revenue collectors of Chait Singh had fled with him, and with raw recruits it was hardly possible for the Naib to fulfil his obligation of forty lacs to the Company. As was to be expected Durgvijayi Singh fell into arrears and prayed for remission Hastings did not grant him any, on the contrary, he dismissed him and threw him into prison Jagardev Singh, a second cousin of the Raja, was appointed Naib

The new Naib did his best to avoid the fate of his predecessor He acted on the avowed principle that the

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[1] Hastings to Board, 2 April 1784, Hastings' Diary No 2 of 1784, British Museum Add MSS 29212

[2] Hastings, *A Narrative of the Insurrection at Banaris*, Appendix Part I, p 29

[3] Governor-General to Board, 21 November 1781, Consultation 3 December 1781, Bengal Secret Consultations, Range A, Vol 61, p 671

whole sum fixed for the revenue must be collected regardless of the capacity and the condition of the country.[1] With the help of the Resident and the English troops he used to collect the revenue in full, unmindful of the misery that this caused or of its devastating effect on the economy of the country.[2] Hastings himself received a number of complaints of the violence committed by the sepoys[3]

The subordinate officials were quick to realise that oppression and extortion were of no consequence to the new rulers of Benares, and that all would be well with them so long as the entire revenue was realised They took their cue from the Naib and fleeced the people The amils and renters exacted from the cultivators a large increase in kind on their stipulated rent Hastings found that those who held their Pattas by the tenure of paying *one half of the produce of their crops, were made to pay* the whole or a large portion of it by false measurement, and that from those whose engagements were for a fixed rent in money, the half or a greater portion was taken in kind[4] The zamindars of Ghazipur represented in 1783 to the Governor General that the extortions of the amils had thrown them and the country at large into the greatest confusion and distress[5] With such terror had the people learnt to regard any representative of government that Hastings, on his way to Lucknow, found every town and village deserted although he had asked the Naib

[1] Davies, *Warren Hastings and Oudh* p 152

[2] Fowke to Major Eaton, commanding at Buxar, 20 July 1784 and to Col Ahmuty, commanding at Chunar, 22 September 1784 for sending troops to help in the collection of revenue, Appendix to consultation of 15 March 1786, Bengal Secret and Political Consultations, Range B, Vol 11, p 473

[3] Hastings to Fowke, 16 March 1784, Hastings' Diary No 1 of 1784, British Museum Add MSS 29212

[4] Hastings to Wheler, 2 April 1784, Hastings' Diary No 2 of 1784, British Museum Add MSS 29212

[5] Beniram Pandit to Hastings, 30 March 1783, *Calendar of Persian Correspondence,* Vol VI, p 255

to promise protection to the inhabitants[1]

When in 1784 Hastings stayed in Benares for five days on his way to Lucknow he was pained to observe the decay of the province, which only a few years back he had seen in a flourishing state He wrote to the Council on 2 April 1784, "I am sorry to add, that from Buxar to the opposite boundary, I have seen nothing but the traces of complete devastation in every village "[2] Hastings was distressed by this dreary sight, and he wrote to the Court of Directors, "On my way I had the alarming Perspective of a soil so completely exhausted of its natural moisture by the failure of one entire season of the periodical Rains, that except the Fields of Grain which had been kept in vegetation by the uncommon Labor of Husbandmen, and were still cloathed with a luxuriant Produce, or retained the stubble of the recent Harvest, the Plains exhibited an appearance of Barrenness so dreary, that even the Roots of its former Herbage no longer existed, and the deep Ravines and Beds of Rivers which I passed throw up clouds of Dust from their channels "[3] From the confines of Buxar to Benares Hastings was followed and fatigued by the clamours of the discontented inhabitants, who looked to him for redress because he was the head of the British administration in India[4] No doubt the long continued drought had aggravated the general discontent in the country but Hastings thought that the principal cause lay in the defective, corrupt and oppressive administration of the Naib[5] He became very apprehensive that if the same administration was left to continue for some time more and there was a shortage of rain, all the fields would be abandoned, the revenue would fail and thousands would perish for want of subsistence[6]

[1] Hastings to Wheler, 2 April 1784, Hastings' Diary No 2 of 1784, British Museum Add MSS 29212

[2] Ibid

[3] Governor General to Court of Directors, 30 April 1784, British Museum Add MSS 29163

[4] Hastings to Wheler, 2 April 1784, Hastings' Diary No 2 of 1784 British Museum Add MSS 29212

[5] Ibid

[6] Ibid

Side by side with agriculture, trade also declined Hastings had no doubt tried to regulate trade but his regulations were not very fruitful In consequence of the new arrangements in 1781, when the rich goods of Bengal came to be taxed at the rate of 5 per cent on the enhanced valuation of the Benares Book of Rates, the merchants were charged more than Rs 100 per bullock load in duty instead of the Rs 20 or Rs 25 which they formerly paid[1] The increase of duty was rendered more unsupportable by a variety of oppressive exactions made by the superintendents of the customs In 1782, on the recommendation of Markham, the then Resident, the duty on raw silk, broad cloth, saffron, cloves and some other articles was reduced from 5 to 2½ per cent But in spite of this, trade continued to decline When Hastings went to Benares in 1784 he found that his regulations were not being adhered to and that the Naib and his officers exacted exorbitant rates by an arbitrary valuation of the goods and by the practice of exacting duties twice on the same goods, first from the seller and afterwards from the buyer[3] The principal cause of this neglect of the customs regulations was that their execution was entrusted to the Raja, or his Naib, "who were expected to grant speedy and impartial redress for injuries" committed by themselves or their officers, 'thereby uniting in them two capacities which were certainly incompatible with security and growth of commerce[4]

Hastings summed up the condition of Benares by writing that 'the administration of the province is misconducted, and the people oppressed, trade discouraged and the revenue though said to be exceeded in the actual

[1] Barlow s report on the trade of Benares 24 August 1787 Consultation 26 December 1787, Bengal Public Council, Range 3 Vol 30 p 649

[2] Ibid pp 650-651

[3] Hastings to Wheler 2 April 1784 Hastings s Diary No 2 of 1784 British Museum Add MSS 29212

[4] Barlow s report on the trade of Benares 24 August 1787 Consultation 26 December 1787, Bengal Public Council, Range 3 Vol 30, p 687

collections by many lacks, in danger of a rapid decline [sic] from the violent appropriation of its means "[1]

Hastings therefore drew up a plan for the reform of the administration of the province He proposed that "the Rajah be appointed and declared the principal in all official acts of the zemindarry His name, seal and signature should be used for the authentication of all orders and instruments to which by the custom of his predecessors they were used to be affixed "[2] By making the Raja 'principal' in all official acts Hastings wanted to interest him in the affairs of the administration so that he might serve as a check on the Naib But it was never the intention of Hastings to give effective power to the Raja He wanted to use the Raja as a counterpoise against the Naib so that the Naib would attend to his duties honestly Hastings also recommended that Ajaib Singh, the brother of Rani Gulab Kuer, the widow of Balwant Singh, be appointed Naib in place of Jagardev Singh [3] He further proposed that Ali Ibrahim Khan be appointed Amin or Inspector, to assist the Naib with his advice respecting the formation of the settlement and the appointment of new amils [4]

The Board took much time in considering Hastings's plan Hastings was so disgusted with the delay that he wrote to Wheler, "Respecting Banaris, I have resolved to give up my scruples, and trust to the assurances of the Board s Reply to my letter, for the subject will not admit of longer delay Either I must act or the Bd for me "[5] His plan was at length approved by the Board, which resolved that "the Governor General be authorised to carry into execution the plan submitted, the Governor

[1] Hastings to Wheler 2 April 1784, Hastings, Diary No 2 of 1784, British Museum Add MSS 29212

[2] Hastings to Board 13 June 1784, Consultation 30 June 1784, Bengal Secret and Military Consultations Range B Vol 2, p 1022

[3] Ibid

[4] Ibid

[5] Hastings to Wheler 9 June 1784 British Museum Add MSS 29121

responsible for its effects, as a temporary expedient"[1] But these new plans failed to improve the condition of the country Even Hastings's unremitting defender Gleig admits that in the regeneration of Benares, Hastings was not so immediately successful as in the case of Oudh[2]

Since the expulsion of Chait Singh, the revenue had no doubt been maintained but the country had declined Duncan when on tour through the province in the spring of 1788 saw many of the parganas in a state of decay Some of the largest and best of them were little better than a waste The pargana of Kharid was for more than fifteen miles one continued waste covered only with rank grass The pargana of Balua was also as desolate as Kharid In the pargana of Sikandarpur, one fourth of the land was lying fallow, and Duncan could see not more than twenty fields of cultivated ground Equally noticeable was the decline of once fertile and productive parganas like Chausa, Zamania and Nirwan[3]

In spite of the misery into which the country had been plunged, the "revenue was kept up by a mode well known" in India and considered as "a maxim of Finance that whatever additional abwabs or taxes are laid on a district to equalize its Revenues with the assessment by Government were no injustice to its inhabitants"[4] Since Chait Singh's expulsion abwabs had on the whole increased from Rs 133,310 As 15 P 9 to Rs 253,258 As 1, making an increase of Rs 119,947 As 1 P 3[5] The zamindari was thus managed on the principle of a temporary farm and all permanent prosperity was sacrificed to the hope of immediate and unreasonable income

[1] Resolution of the Board 30 June 1784 consultation 30 June 1784 Bengal Secret and Military Consultations Range B Vol 2 p 1037

[2] Gleig *Memoirs of the Life of Right Hon Warren Hastings* III p 194

[3] Duncan to Government 12 September 1788 Consultation 3 October 1788 Bengal Revenue Consultations Range 51, Vol 25 pp 185-186

[4] Ibid

[5] Ibid p 195

The bow was strained till at length it snapped

And so we find on Duncan's arrival, the inhabitants of the province announcing their sufferings by the brief but emphatic declaration that the government had possessed itself of both the divisions of the crop Moved by the sight of general distress Duncan was constrained to observe that the revenue of Benares was one of extortion from every class of people [1]

Duncan also found the trade of the country declining Although Hastings had in 1784 ordered that the customs regulations of 1781 should be enforced and had reduced the duty on silk piece goods from 5 to 2½ per cent, he left their execution to those very persons whose neglect or misconduct had been the cause of that revision Thus trade remained "exposed without protection or redress to the rapacity of the Farmers of the customs who demanded the same duty on the export of their goods that was paid on their entrance"[2] The vesting of custom house officers with police and judicial powers also hit the commerce of the province as it only increased their opportunities for plunder The result was that the number of extraordinary taxes increased "The houses and windows and doors of the inhabitants, their grain, their oil, their fish and their firewood, the cotton and cotton thread the raw materials of their staple manufactures their bullocks and boats the means for conveyance for their goods were subject to burthensome imposts"[3] Taxes were levied even on religious observances and a tribute was exacted on the marriage of a daughter and a still heavier one on that of a son [4] About four hundred revenue stations had been established for the enforcement of internal taxes alone and such was the number and rapacity of the tax-collectors that Duncan compared them "to those swarms

[1] Report by Beaufoy on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786 Home Miscellaneous Vol 379, p 186

[2] Ibid p 187

[3] Ibid p 188

[4] Ibid

of locusts which sometimes overspread the East."[1] The inevitable result was that the merchants who used to flock to Benares from different parts of India were discouraged from visiting that province. They deserted the roads that led to Benares and sought for their goods "a less vexatious conveyance by the craggy mountains that environ that greatest part of Bahar."[2] Naturally trade declined.

The administration of justice was also in a deplorable state. The Qazis were in a forlorn condition, having for many years past had little more than a nominal authority.[3] No doubt the conduct of Ali Ibrahim Khan, the Chief Magistrate of Benares, constituted an honourable exception to the weakness of the judicial power, but the general authority of the courts was so little regarded that "a murderer might be hired at the expense of a few rupees."[4] The presence of a large number of mud forts helped offenders to defy the justice of the government.[5] The prospect of an easy asylum in the Nawab Vizier's territory also stimulated crime.[6]

The impotence of the administration and its oppressive features have been sufficiently described in the preceding pages. It only remains to emphasize that the vice of the system lay much deeper. In the ultimate analysis it consisted in the divorce between power and responsibility which was a fundamental feature of the governance of Benares in those days.

The sovereignty of Benares had passed to the East India Company and all real power in Benares resided in

the Company and its servants This was especially so after the deposition of Chait Singh whose successor had been deprived of all vestiges of independence and sovereignty But though wielding real power in the province of Benares the Company was not inclined to accept any responsibility for peace, order and good government there that continued to be the responsibility of the Raja. When Grant as Resident submitted a plan for the settlement of the province, which he thought would not only produce the required revenue but also bring relief to the peasants [1] the Board rejected it as being an interference in the internal affairs of the zamindari, and the Raja was left to assess the districts as he thought proper [2] Professing to respect the autonomy of the Raja, enunciating the doctrine of noninterference in the internal affairs of Benares the Company disclaimed all responsibility for the welfare of the people whom it had reduced to subjection Writing to Motteaux, the chairman of the East India Company, in December 1787 Cornwallis felt himself bound to draw attention ' to the conduct of the former Directors who knew that these shocking evils existed but instead of attempting to suppress them were quarrelling whether their friends or those of Mr Hastings should enjoy the plunder [3]

The responsibility continued to be the Raja's although he was deprived of the authority and power which would have enabled him to discharge that responsibility For many years even his name was totally disused in all sunnuds aumilnamas and other official Deeds and papers of the Naib s office and the Naib s used in its stead [4] The helpless position in which the Raja had been placed can

[1] Grant to Government 23 August 1786 Consultation 20 September 1786 Bengal Secret and Political Consultations Range B Vol 13 pp 749 758

[2] Resolution of the Board 20 September 1786 Consultation 20 September 1786 Bengal Secret and Political Consultations Range B Vol 13 p 759

[3] Cornwallis to Motteaux 16 December 1787 Public Record Office 30/11 Box 156

[4] Hastings to Fowke 14 March 1784 Hastings Diary No 1 of 1784 British Museum Add MSS 29212

be judged from his representation to Cornwallis He wrote "I have only the name of Rajah, that authority which belongs to my station I do not enjoy All concerns whatever *transacted are contrary to my authority*"[1] The people of Benares, therefore, were very unwilling to submit to the Raja's administration because they had "marked the subjection in which he had been placed by Hastings" and thus felt but "little attachment to his person or respect for his power"[2] With the memory of Chait Singh's deposition fresh in his mind, and fearful of meeting the same fate, the Raja was more concerned to retain the good opinion of the East India Company and its servants than to promote the welfare of the people

The system was bad enough, its evils were greatly aggravated by the personalities of those responsible for its working If Raja Mahip Narain had been a wise and able administrator, the decline of the country might not have been so rapid But he did not possess the qualities necessary for a ruler He was feeble, vacillating and timid He was incapable of resisting any measures of the Resident Ill health prevented him from transacting business in person Lacking the capacity to take quick decisions, lacking faith in his own judgement, he used to depend on the advice of his favourite servants[3] Of these Dalip Singh was the most trusted and at the same time the most mischievous His influence was so great that it was a common saying

"Without Dhuleep
Never spoke Maheep"[4]

The Raja was, as Cornwallis said, "a fool" but he was well intentioned, neither vicious, nor inclined to cruelty

[1] Representation of Raja Mahip Narain received February 1787, consultation 13 July 1787 Bengal Revenue Consultations Range 51, Vol 8 p 1058

[2] Duncan to Government 12 September 1788, Consultation 3 October 1788 Bengal Revenue Consultations, Range 51, Vol 25, p 192

[3] Oldham, *Historical and Statistical Memoir of the Ghazeepur District*, II, p 90

[4] Ibid

or oppression He gladly acquiesced in Duncan's plan for the reformation of the revenue administration in 1788 Therefore, if the Residents had been wise and able honest and dutiful, they could have alleviated the misery of the people and arrested the process of decay As it happened, both Fowke and Grant, who preceded Duncan were corrupt men, anxious to amass money by any means, and their conduct accelerated the pace of decline However Hastings might have intended to reform Benares, no reformation was possible so long as it was in the hands of rapacious and corrupt Residents

Francis Fowke, who was Resident when Hastings left India, had been first appointed there in 1775 on the annexation of the province of Benares and he continued in office with some intervals till 1786 One instance which came to light when Duncan became Resident indicates how corrupt Fowke was Duncan on his appointment was asked to settle the accounts with Jagardev Singh when Ajaib Singh replaced him as Naib, and to realise the balances due from him [1] On enquiry Duncan found that from the period of Jagardev Singh's dismissal in the end of Fasli 1191 (1784 A D), there was collected and paid into Kashmiri Mul's[2] treasury, on account of the current revenue and outstanding balances of that year the sum of Rs 518, 121 As 5, of which the sum of Rs 125, 745 As 12 P 3 was no where credited in the public accounts That the amount in question was received by Fowke is beyond doubt because both Jagardev Singh and Kashmiri Mul produced formal deeds of acquittance under Fowke's seal and signature [3]

Fowke used to amass money by many other means *According to ancient custom, all* persons *while paying* revenue used to pay, besides the stipulated sum, an addi

[1] Instructions to Duncan Consultation 27 July 1787, Bengal Revenue Consultations Range 51, Vol 9 p 41

[2] Kashmiri Mul was the treasurer of both the Company and the Raja

[3] Duncan to Government 10 March 1789, Consultation 29 May 1789 Bengal Revenue Consultations Range 51 Vol 36 p 597

by Hastings as a reward for his having advanced on behalf of the Nawab Vizier a very large amount due to the Company Kashmiri Mul was in Fowke's good books, and not only did Fowke establish the new cess of rusum khazana for the treasurer but he also secured for him a grant of several villages from the Raja [1]

During the administration of Macpherson not only was a large staff of private servants maintained for the Resident at the cost of the Raja but all their private expenses also were defrayed by the Naib from the Raja's treasury under the head "furmayashaat" (requisitions) sent by the Resident or his head servants A regular account of it was kept in the office of the Naib and in the year 1193 Fasli (1785 86), they amounted to Rs 33,273 As 8 [2]

The corrupt and rapacious Fowke was not very amenable to the Governor General's control He was a creature of Philip Francis Naturally, Hastings did not like him On one occasion he wrote that "Mr Francis Fowke is not my agent, that I can not give him my confidence, that while he continues at Benares he stands as a screen between the Raja and this Government instead of an instrument of controul [sic] "[3]

Hastings had twice removed Fowke from his office but he had been appointed Resident for the third time in 1782 by the Council, in obedience to the strongest mandate of the Court of Directors and much against Hastings's will Therefore it was hardly to be expected that Fowke would co operate with Hastings in any measure of reformation in Benares which would bring credit to Hastings's government

With the departure of Hastings the last restraint on his rapacity was removed Macpherson failed to check his corrupt practices and his illgotten fortune multiplied

On the resignation of Fowke and John Benn, the Assistant Resident, early in 1786, James Grant and Pelegrine

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[1] Ibid

[2] Ibid, p 76

[3] Hastings' Minute, 14 January 1781, Consultation 14 January 1781, Bengal Secret Consultations, Range A, Vol 59, p 134

Treves were appointed Resident and Assistant Resident respectively. Grant did not like Kashmiri Mul, and soon at his recommendation, the Government not only abolished the office of the treasurer but also took away from Kashmiri Mul all the estates he had obtained through the influence of Fowke.[1]

Grant was a man of some ability and the whole revenue of the Government for the year of his Residency was realised. He also wanted to improve the condition of the country. He saw that the Raja's settlements were not just and that he had fixed an excessive jama far above the capacity of some of the parganas. Therefore, he submitted a new plan for the settlement of the province, which however was not approved by the Board.

Grant was no doubt solicitous for the welfare of the people, but he had one great weakness, a desire to amass a fortune by any means. In rapacity, he equalled if he did not surpass his predecessor. The nazarana, the bhuri and farmayashaat, which except the bhuri were novelties or rather increases introduced since the expulsion of Chait Singh, were maintained and to the methods of spoliation adopted by his predecessor, Grant added others peculiarly his own. He monopolised the manufacture of lime and the whole of the sugar trade of the province, the value of which was enormous.[2]

Grant not only took much more money from the Raja than his predecessors but also gave up the administration of the province to a rapacious Muslim named Sher Jang.[3] Sher Jang parcelled out the lands amongst his dependants and in particular to Kulb Ali Beg, who had been given the farm of the whole district of Jaunpur. Kulb Ali managed his farm in a very oppressive manner, and Cornwallis wrote to Stuart that "In one [pargana] of upwards

[1] Cornwallis to Grant, 2 December 1786. Consultation 11 December 1786, Bengal Secret and Political Consultations, Range B, Vol 14, pp 774-775.

[2] Cornwallis to Grant, 4 September 1787, Public Record Office 30/11, Box 188.

[3] Cornwallis to Dundas, 16 November 1787, Public Record Office 30/11, Box 150.

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[1] Cornwallis to Grant 2 December 1786 Consultation 11 December 1786 Bengal Secret and Political Consultations, Range B Vol 14 pp 774-775

[2] Cornwallis to Grant, 4 September 1787, Public Record Office 30/11, Box 188

[3] Cornwallis to Dundas 16 November 1787, Public Record Office 30/11, Box 150

Cornwallis was firmly convinced of the mismanagement in Benares In a letter to Dundas on 5 March 1787 he observed, "Benares on its present system must be a scene of the greatest corruption and mismanagement There could be no reason for not placing it under the Board of Revenue like other zemindaries except the consideration of the Governor General losing so much of patronage "[1]

On enquiry he found the system of administration much worse than he had imagined 'The Resident, although not regularly vested with any power, enjoyed the almost absolute government of the country "[2] Besides the thousand rupees per month that he received from the Company, he had been utilising his power to amass an annual income of about four lacs [3] Cornwallis, therefore, turned his attention to the reform of Benares He put the zamindari under the general management of the Board of Revenue,[4] and hoped that it would "be no longer devoted to the pillage of the friends and dependents of the Governor General '[5] He did not want to send Grant back there because of his irreconcilable differences with the Raja He was conscious of the fact that the prosperity of Benares was an object of importance not only to the interests of the Company but also to the reputation of the British Government in India, because Benares attracted a large number of strangers annually, and he thought that it was there that the merits or defects of the Governments would be most conspicuous [6] Since Benares was about six hundred miles away from Calcutta,

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[1] Cornwallis to Dundas 5 March 1787, Public Record Office 30/11, Box 150

[2] Cornwallis to Dundas, 14 August 1787, Public Record Office 30/11, Box 150

[3] Ibid

[4] Resolution of the Board, 6 July 1787, Consultation 6 July 1787, Bengal Revenue Consultations Range 51, Vol 8, p 1053

[5] Cornwallis to Dundas, 17 May 1787, Public Record Office 30/11, Box 150

[6] Cornwallis to the Court of Directors, 3 November 1787, Public Record Office 30/11, Box 153

he wanted to place it under the management of a Company's servant of "the most approved integrity, experience and ability"[1]

"Although many persons were desirous, nay, even importunate to show their zeal for the Company's service by undertaking this office" Cornwallis did not find it easy to select the right person[2] He ultimately appointed Jonathan Duncan to the Residency of Benares on a salary of five thousand rupees He wrote to Dundas on 14 August 1787, "As I had the prosperity of Benares most exceedingly at heart, and as I felt nothing could tend so much as a good management of that province to raise our character & reputation in the remotest parts of Hindostan I determined on this occasion to make a very great sacrifice, and much against his own will appointed Mr Jonathan Duncan, the Secretary of the Public & Revenue Department, to that office Perhaps you are not acquainted with Mr Duncan's character, he is held in the highest estimation by every man, both European and native, in Bengal, and, next to Mr Shore, was more capable of assisting me, particularly in revenue matters than any man in this country"[3] Shore also approved of Duncan's appointment He wrote to Cornwallis "you cannot feel greater pleasure than I do on the prospect of seeing Benares well arranged & I should never have had courage to meddle with it unless Duncan or some man in whom you had a thorough confidence had been appointed You certainly could not have made a better choice"[4]

Cornwallis selected Duncan because he considered his talents "to be well calculated for promoting the general prosperity of the zemindary and for giving essential assistance in establishing a regular administration of justice

[1] Cornwallis' minute before the Board Consultation 13 July 1787, Bengal Revenue Consultations Range 51, Vol 8, pp 1056-1057

[2] Cornwallis to Dundas 14 August 1787, Public Record Office 30/11, Box 150

[3] Cornwallis to Dundas 14 August 1787, Public Record Office 30/11, Box 150

[4] Shore to Cornwallis 6 October 1787, Public Record Office, 30/11, Box 122

in the capital and throughout the province So Duncan came to Benares [1]

The sorry spectacle that Benares presented at that time was enough to damp the ardour and daunt the spirits of the boldest and the most enthusiastic administrator. Duncan's predecessors had left a terrible legacy—the civil administration in a state of collapse, a paralysed judiciary, and an extortionate revenue system engaged in the process of killing the goose which laid the golden eggs But unbaffled Duncan took up the task of cleansing the 'Augean stables" Aware that the malady which afflicted Benares was deep rooted, conscious of the magnitude of the task, conscious also of the high hopes the Governor General had of him, anxious to justify the trust and confidence reposed in him, perceiving clearly that Benares would make or mar his reputation, Duncan brought to bear upon his task all his great qualities of integrity, tact, and capacity for hard work, together with his considerable experience of revenue administration He threw himself heart and soul into the work and strove manfully to lift Benares out of the morass of corruption, maladministration, and misery into which it had fallen

[1] Cornwallis minute before the Board Consultation 13 July 1787, Bengal Revenue Consultations Range 51, Vol 8 pp 1056-1057

CHAPTER IV

DUNCAN'S ECONOMIC POLICY, 1787-1795.

The true perspective of Duncan's economic policy can be realised only when we see it as a part of the general economic policy of the East India Company. It is not so much the policy that he pursued but the way in which he executed and modified it that brings him the credit of being one of the most able and humanitarian administrators. But, at the same time, he was not a passive agent of the Company; at times he acted on his own initiative and very often suggested modifications, which were in most cases accepted by the government. His most important contributions to shaping the economic policy of the administration in the province of Benares were the land revenue reforms leading to and culminating in the Permanent Settlement of 1795; reforms in tariff regulations which laid the foundation of freer trade and greater cooperation between the neighbouring states and the company's dominions; and the regulations for the production and farming of opium and indigo. His policies, broadly speaking, may be classed as based mainly upon laissez faire ideas. It may, however, be noted that some traits of mercantilist philosophy are also apparent from his commercial policy. That is not surprising. As he belonged to a period of transition in economic thought from mercantilist to laissez faire doctrines he showed traits of both but the predominant influence was perhaps of the latter. In his land policy he was very much a physiocrat; in his policy of reducing tariff barriers and abolishing monopolies, he proved himself to be an ardent believer in "laissez faire".

(1) *Land Revenue*

Duncan's period in Benares was one of transition from the system of revenue farming to the Permanent Settlement which was extended to Benares in 1795. This new system brought about altogether a new conception of legal ownership of land and affected the rights of the

different classes differently Any critical examination of the revenue policy of Duncan or the Company in Benares can be made in a right perspective only if we have a clear idea of the different ladders in the rural hierarchy, it becomes all the more important when we find that the same word 'Zamindar' has been loosely used for a variety of interests On one hand it was used for the Raja of Benares who may be considered the chief zamindar in the Province of Benares, and on the other hand for the petty village proprietors who were nothing more than khudkast (cultivating the land themselves) tenants The other interests who were termed zamindars were the Jagirdars, the Talukdars, and the village zamindars A brief description of the various intermediaries may not be out of place here

As already seen the de jure authority of revenue collection was vested in Raja Mahip Narain whose rights to revenue collection was fixed in perpetuity under the arrangements of 1781 subject to his payment of an annual jama (rental) of Rs 40 lakhs But the responsibility of the actual collection of the revenue on behalf of the Raja fell on the amils, (revenue collecting officers or revenue farmers), under the then prevalent system of revenue farming Usually the Raja used to settle the right to collect the revenues of a certain pargana (a division of a district) or group of parganas every year with the highest bidder at a public auction These amils who are also referred to as revenue farmers collected revenue directly from the village zamindars or the raiyats or they in their turn settled the right to collect revenue in smaller area with the under farmers After the usurpation of the rights of the pargana zamindars and village zamindars by Balwant Singh the amils constituted the main agents of revenue collection except in jagirdaris and talukdaris, where the revenue collection was normally the responsibility of the jagirdars and talukdars

The jagirdaris and the talukdaris had been generally created by the Muslim rulers, a practice which was followed by Warren Hastings, as a reward for services rendered When Duncan came to Benares there were three

types of jagirs in the zamindari of Benares, those which were specifically mentioned in the lease of the province granted to the Raja in 1781, which also included the rent free possessions of the Raja, those granted to the former zamindars of the country under the orders of their restoration by Hastings and other jagirs granted by order of Hastings Most of the jagirs were rent free and the collection made from the cultivators and the raiyats (tenants) was retained by the jagirdars for their own use In some of the jagirs a part of the collection was jagir (rent free), and the remaining amount after deducting the expenses of collection was to be forwarded to the government It may however be mentioned that the word 'jagir' was not properly used [1]

A similar but considerably smaller type of tenure was Talukdari The holders of the talukas exercised legally no right of interference with the proprietory and hereditary rights of the village zamindars "The Talookdars (as such) appears seldom to have pretended to be more than the collector of the revenue of Government, indeed sometimes a hereditary interest in the advantages of the office, but urging no pretention to a property in the soil "[2]

The Pargana zamindars originally belonged to the class of Hindu chiefs who had been subjugated by the Muslims, but were left to manage their estates Their only obligation was to pay land revenue to the Muslim rulers and assist them in times of war They paid land revenue direct to the Governor and collected from the cultivators and small land owners a much larger sum Every one of these Pargana zamindars were ejected by Balwant Singh from their estates but later Hastings tried to restore some of them for the services they rendered during the rebellion of Chait Singh But only one could be restored because the Company did not approve of the

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[1] Oldham *Historical and Statistical Memoir of the Ghazeepoor District* II, pp 70-71

[2] Report of the Board of Commissioners 27 October 1818 *Selections from the Revenue records of the North West Provinces* (1818 1820) pp 85 95

restoration of such zamindars who had been dispossessed prior to 1775[1]

The other class was that of Village zamindars. In some coparcenary villages there used to be only one zamindar "in whose name the Pottas [Leases or agreements] have all along stood, who is very powerful, and of whom all his brethren stand in fear, he collects from all his brothers and from the Ryots the Malgoozary or revenue, taking on himself to settle for the whole of what he pays to the Sircar [Government], as he is in his own person the master of the profit and loss, and if all the brethren should desire to enter into possession with him according to their respective shares, he will not admit thereof, but at the same time without preventing them from carrying on their cultivation, only keeping them excluded from any proportion of the general profit." The only concession to the co-sharer was that they had to pay a sum considerably less than raiyats. Almost all of such zamindars were also expropriated by Balwant Singh.

Special mention may be made in this connection of the existence of Village communities or Bhaichara Villages in Benares whose members were often termed as village zamindars. In some villages there might be several zamindars perhaps descended from one common ancestor. In many cases the patta or record of rights or kabuliyat (agreement) stood in the name of one or two of these sharers, but the others remained always in the possession of their own share of land. They did not necessarily cultivate their land themselves. The cultivation could be carried on by raiyats or labourers. There used to be raiyats of the same castes as the sharers, and also other castes in the village who were engaged in cultivation and paid rent. Any deficit in land revenue de-

[1] Oldham, *Historical and Statistical Memoir of the Ghazeepoor District*, II, p. 27.

[2] Mehndi Ali Khan's answer to queries put by Jonathan Duncan, 25 May 1794. *Selections from the Revenue Records of the North West Provinces* (1818-1820), Appendix E, pp. 169-172.

types of jagirs in the zamindari of Benares, those which were specifically mentioned in the lease of the province granted to the Raja in 1781, which also included the rent free possessions of the Raja, those granted to the former zamindars of the country under the orders of their restoration by Hastings and other jagirs granted by order of Hastings Most of the jagirs were rent free and the collection made from the cultivators and the raiyats (tenants) was retained by the jagirdars for their own use In some of the jagirs a part of the collection was jagir (rent free), and the remaining amount after deducting the expenses of collection was to be forwarded to the government It may however be mentioned that the word 'jagir' was not properly used [1]

A similar but considerably smaller type of tenure was Talukdari The holders of the talukas exercised legally no right of interference with the proprietory and hereditary rights of the village zamindars "The Talookdars (as such) appears seldom to have pretended to be more than the collector of the revenue of Government, indeed sometimes a hereditary interest in the advantages of the office, but urging no pretention to a property in the soil"[2]

The Pargana zamindars originally belonged to the class of Hindu chiefs who had been subjugated by the Muslims, but were left to manage their estates Their only obligation was to pay land revenue to the Muslim rulers and assist them in times of war They paid land revenue direct to the Governor and collected from the cultivators and small land owners a much larger sum Every one of these Pargana zamindars were ejected by Balwant Singh from their estates but later Hastings tried to restore some of them for the services they rendered during the rebellion of Chait Singh But only one could be restored because the Company did not approve of the

[1] Oldham *Historical and Statistical Memoir of the Ghazeepoor District* II, pp 70-71

Report of the Board of Commissioners 27 October 1818 *Selections from the Revenue records of the North West Provinces* (1818 1820) pp 85 95

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[2] Mehndi Ali Khan s answer to queries put by Jonathan Duncan, 25 May 1794, *Selections from the Revenue Records of the North West Provinces* (1818-1820), Appendix E, pp 169-172

mand of the state over and above the sum so collected was supplemented by the contribution of the co sharers decided on the basis of the area of land under their ownership[1] During the annihilation of zamindars by Balwant Singh these village proprietory bodies were for the most part allowed to remain in possession but their status was changed They were reduced "to the condition of cultivators" and obliged to pay the total annual assets of the village, except a trifling gratuity for their support called Nankar (allowance) or Maafi Mamulie (customary remission)[2]

It appears from the above description that the above two classes, the village zamindars and the Bhaichara zamindars originally belonged to the same category As seen above pattas very often stood in the name of one or two of the coparceners although the village belonged to a large number of sharers The patta holder might have gradually usurped the rights of the weaker sharers and reduced them to an inferior status which was hardly better than occupancy tenant

The lowest in the hierarchy of the rural interests came the raiyats They appear to have nowhere claimed more than the right of occupying their fields they cultivated, and so long as they continued to pay the customary rent they by distinct engagement or by long usage acquired the right of occupancy perhaps hereditary but not transferable by sale or gift or mortgage nor resumable if once vacated[3]

Thus at the time when Duncan took charge of the zamindari of Benares the main classes of people concerned with land revenue were the Raja, amils, jagirdars, talukdars, village zamindars and the raiyats, and the most common method of revenue collection was of revenue farming This mode of settlement by auction operated to the great disadvantage of the cultivator The amils

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[1] Ibid

[2] Oldham, *Historical and Statistical Memoir of the Ghazeepoor District* II, p 27

[3] Ibid

did not have normally any interest in the region in which they made the collection, nor had they any certainty of holding their posts for a period beyond one year The only recommendation that they could produce to justify their continuance was the punctual payment of their instalments of revenue And once they ensured that regularity of payment, all their acts of oppression could pass unnoticed They naturally made no scruple to rack rent the tenant whenever they found that they could not otherwise pay their instalments and secure a decent income for themselves In absence of a proper hastband or comparative rent rolls of fiscal units, it was in fact impossible to protect the raiyats against extortion It may however be mentioned that for keeping the regular accounts and the record of rights the office of the Qanungo (or superintendent of village accounts and register of landed property), which had been abolished by Balwant Singh, was re-established by Fowke after the expulsion of Chait Singh This office was mainly intended to serve as a check on the rapacity of the amils but in practice it became subservient to the interests of the amils because the qanungos were paid for their maintenance by the amils, and the tenants continued to be rack rented and oppressed In consequence the Province decayed

On his appointment Duncan was directed to enquire into the evils prevalent in the administration of Benares and to suggest remedies Cornwallis wrote to Dundas on 14 August 1787, "From Mr Duncan's report I hope to be able to accomplish my wishes, & to form a regulation for the government of Benares which will retrieve the Province from its present declining state, & which at the same time shall be so clear and so well marked, that a less Scruplous [sic] government will not dare to alter it "[1] That is why the Government gave Duncan more authority and latitude than previous Residents had, and the Raja of Benares was required to co-operate with

[1] Cornwallis to Dundas 14 August 1787 Public Record Office, 30/11 Box 150

him and assist him.[1]

Duncan was informed that it was the Government's intention to associate the Raja with the administration of the Province, "to leave with him and his officers the detail of the management of the Business, without Interference on the part of this Government", provided the Raja himself was not "wholly incapable of managing the Business."[2] He was asked to lay the foundation of such a plan which might "constitute the Rajah really or nominally the principal in all matters of internal detail", and to induce him to attend to the business of the state.[3] It seems that this policy of the Government to associate the Raja with the administration of the province was based on the advice of Hastings to Cornwallis at the time of the latter's assuming the office of Governor-General. Hastings then wrote to Cornwallis regarding Benares, "If I were to recommend any alteration in the settlement which was made of this district in October 1784, it should be to give the Raja, Raja Mahipnarain, the complete charge of the collections, and to allow him to nominate his own Dewan or manager and the other inferior officers."[4] Hastings suggested this arrangement because he thought that the Raja "will be faithful to his own interest, whereas those of whom we have made trial have been equally unfaithful to him and to our Government."[5]

With the intention of carrying out the instructions of the Government and of giving the Raja a fair trial, Duncan left the impending settlement for the ensuing year, 1195 Fasli (1787-88), in the Raja's hands. He withdrew the acting Naib, Shankar Pandit, and put the Raja in charge of the settlement and collection of revenue under certain checks. He advised the Raja to transact all revenue business by himself or his appointed officers

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[1] Instructions to Duncan, 27 July 1787, Consultation 27 July 1787, Bengal Revenue Consultations, Range 51, Vol. 9, p 38.
[2] Ibid., p 36.
[3] Ibid, p 37
[4] Hastings' advice to Cornwallis, n d Public Record Office 30/11, Box 197
[5] Ibid

at the Public Kachahri (court) and not in private A Serishtadar and one or two mohurrirs on the part of the Resident were to attend every day at the Public Kachahri of the Raja and to take copies of all the accounts of the daily receipts and of all orders issued by the Raja or his officers After the settlement of 1195 Fasli (1787 88) had been made by the Raja, it was to be sent for the Resident s approval [1]

Duncan also recommended certain points for the guidance of the Raja while making the new settlement He was advised to be particular about the character of the amils at the time of their appointment and not to make settlements with such persons as Diljit Singh, Lala Shital Prasad, and Jaiti Meharban, who had defaulted in their payments for 1194 Fasli (1786 87) He was further advised to reduce the amount of each amil's collection, and to take from each of them the most positive undertaking not to make any other than the established collections from the raiyats If any complaint of undue exactions was received and substantiated the amil was to forfeit three times the amount The Raja was to make the settlement on equitable principles He was not to exact more than any mehal (division of land separately assessed) could fairly bear, and he was to grant reductions to such mehals as were in an impoverished state He was also to settle the Mufassil Kistbandi (instalment) in due proportion and with a view to the harvest seasons so as to save the raiyats and the amils from borrowing money to pay their Kists (instalments) in advance The Raja had no authority to make any grant of free lands nor could he hold any farm in his own name or in his own account [2]

These recommendations reflect how solicitous Duncan was for the welfare of the people They were framed to check the rapacity of the amils by bringing them under stricter control The Raja's authority was also to be

[1] Extracts from the proceedings of the Resident at Benares on October 5 1787, Consultation 19 October 1787, Bengal Revenue Consultations Range 51 Vol 12 pp 929-939

[2] Ibid

limited. They were intended to change the tone of the revenue administration and lessen oppressions which the raiyats had been undergoing since the expulsion of Chait Singh. With a view to keep a constant check on the activities of the amils, he decided to make the qanungos the immediate servants of the Government, and to furnish them with sufficient funds for their maintenance. Prior to this the qanungos had to depend for their bread on the amils and thus they had been mere associates and agencies for the amil's exploitation. These rules would no doubt have curtailed the power and influence of the amils but they would also have given them considerable relief as the amount for them to collect was reduced.

The Raja accepted these recommendations. Duncan's efforts to restore him to power must have created a good impression on him. Duncan was a tactful man and he tried to maintain friendly relations with the Raja. He wrote to Cornwallis that he would "endeavor [sic] to be on the best Terms with the Raja."[1] When Cornwallis' went to Benares in October 1787 he found the Resident and the Raja on very cordial terms. The Governor-General wrote to Stuart, "Duncan and the Rajah seem to be great friends."[2]

Cornwallis was satisfied with Duncan's work at Benares. He wrote to Shore, "there is not a single man of any country who does not think the change of the Resident has saved the province from ruin."[3] Cornwallis found Duncan to be "the first Resident who has done anything but plunder the country."[4] Duncan was also incidentally the first Resident who had thought it prudent to record his proceedings. Cornwallis was much impressed at the systematic manner in which Duncan did so. He wrote to Stuart, "On my last visit to Benares I looked

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[1] Duncan to Cornwallis, n d September 1787, Public Record Office 30/11, Box 142.

[2] Cornwallis to Stuart, 18 October 1787, Public Record Office 30/11, Box 188

[3] Cornwallis to Shore, 6 November 1787, Public Record Office 30/11, Box 188

[4] Ibid

at Duncan's proceedings and was much pleased with them"[1]

Cornwallis felt that he had "every reason to expect complete success in Benares"[2] He wrote to the Court of Directors, "Upon my return I saw with singular pleasure that many great benefits had already arisen from the alteration in the system of management of Benares, and the disinterested and judicious conduct of Mr. Duncan, the Resident, claimed my warmest approbation From the short trial that has been made of the Rajah, there seems to be great reason to believe that under proper inspection, he will prove sufficiently qualified to conduct his part of the business of the Zemindarry without the assistance of a Naib, and he has already adopted or acquiesced with great cheerfulness in several measures, that cannot fail of promoting the happiness of his people and general prosperity of the country"[3]

But events did not shape as had been expected The Raja had accepted Duncan's recommendations but he did not invariably adhere to them Contrary to Duncan's recommendation that he should make the settlement on equitable principles, the Raja, forgetting his old enmity with Kulb Ali Beg, not only continued to him all the lands that he had held before but also added some others Duncan was new to the province and both from his own want of local knowledge and also to promote the declared object of the Government in making the Raja his own manager, he left the formation of the settlement entirely to him[4]

The Raja made the settlement and Duncan heard no complaint about it excepting from Mehndi Ali Khan, a Persian adventurer, who said that the Raja had exacted

[1] Cornwallis to Stuart, 6 November 1787, Public Record Office 30/11, Box 188

[2] Cornwalls to Shore, 9 September 1787, Public Record Office 30/11, Box 188

[3] Cornwallis to the Court of Directors, 16 November 1787, Public Record Office 30/11, Box 153

[4] Duncan to Government, 12 September 1788, Consultation 3 October 1788, Bengal Revenue Consultations, Range 51, Volume 25, p 176

too high terms from him for the two parganas of Ghazipur and Shadiabad which he had also rented a year before But as Duncan found that there did not appear any material difference between the rental then exacted and that of the last year, 1194 Fasli (1786 87), he did not interfere The Raja had also to keep lands to the amount of Rs 413,075 As 2 according to the jama of 1194 Fasli (1786 87) as amani (held under direct management) in which the collections were to be made by his own officers as he could not find renters for those lands [1]

On Duncan's advice the Raja also changed the form of amilnama (rules for the guidance of the amils) and kabuliyat According to the new amilnama the amils were made answerable for all thefts, and robberies committed within their respective districts They were also to forfeit three times the amount of any undue exactions of revenue that might be proved against them [2]

The first thing to shake Duncan's confidence in the new settlement was the attempted suicide of Mehndi Ali Khan As stated earlier, the Khan had taken the lease of the two parganas of Ghazipur and Shadiabad from the Raja When called upon for the payment of the kist, which was wholly in balance, he took a considerable dose of arsenic but was saved by the medical aid given by Dr Boyd, who was then at Benares with Duncan Duncan, after a more particular enquiry, made the Raja grant Mehndi Ali Khan a remission of Rs 25,000 on his farm of the pargana of Shadiabad, while Mehndi Ali Khan relinquished the other pargana of Ghazipur to the Raja who kept it amani throughout the year [3]

Soon after this incident Kulb Ali told Duncan that he had entered into engagements with the Raja far beyond the ability of his district [4] Since this remonstrance had followed closely the affair of Mehndi Ali Khan, the Raja strongly objected to Duncan's listening to Kulb Ali's request, lest it should encourage other amils to do the same

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[1] Ibid, pp 177-178
[2] Ibid pp 178 179
[3] Ibid, pp 179 180
[4] Ibid, p 180

Therefore Duncan at first temporised[1] In the meantime the Raja fell ill and was confined to his house for two months Kulb Ali renewed his request and Duncan found out, much to his disquietude, that he was a bankrupt Duncan also discovered that Kulb Ali was heavily indebted to his bankers even before the new settlement and it was only on their advice that he had entered into the new engagements[2] Duncan after consulting the principal officers and examining Kulb Ali's receipts from such of those mehals as he had farmed for 1194 Fasli (1786 87) thought that Kulb Ali deserved a remission of Rs 25,000[3] He sent word to him through Ali Ibrahim Khan that Kulb Ali should either immediately relinquish all his farms or be satisfied with a remission of Rs 25,000 He promised to secure this remission to him out of the last kist provided he paid all the previous kists in full and kept it a secret[4] Duncan did not want it to be made public as it would have attracted similar claims After a good deal of hesitation Kulb Ali accepted these terms and Duncan felt relieved[5]

He now decided to go on tour through the province in the company of the Raja to see the condition of the country himself He wrote to Cornwallis 'I take this opportunity to acquaint your Lordship that the Rajah after being confined two months to his house is at length so far recovered, as to have been able to pay me a visit on Christmasday, and he proposes to go with me in my Tour which may I hope be productive, of several Advantages All the other Affairs of the Province are generally in a prosperous way, though in some few instances regard ing the settlement made this year by the Raja, I have had Difficulties, which are not yet entirely at an end, but I trust will be got over without any material prejudice The Raja seems still inclined to do everything to the best of his Judgement, and, if his health permits him to act for

[1] Ibid
[2] Ibid, pp 180 181
[3] Ibid
[4] Ibid, pp 181-182
[5] Ibid p 183

himself, and not by trusting his servants I have great hopes of success."[1]

Accordingly Duncan went on tour accompanied by the Raja from 18 January to 19 April 1788, and visited most parts of the province. While they were on tour Kulb Ali told them of a severe loss which he had sustained from a hailstorm in his pargana near Jaunpur, and prayed for a remission of revenue.[2] But the Raja was not inclined to grant a remission of more than thirty thousand rupees.[3] Duncan did not interfere as Kulb Ali had not honoured his promises. He therefore left the Raja to deal with him. In April 1788, Neave, the Assistant Resident, was deputed to Jaunpur with instructions to realise all outstanding balances due from the subrenters and cultivators and to ascertain whether the whole of what had been realised by Kulb Ali had been paid by him.[4] He was also directed to keep a close surveillance on Kulb Ali as the latter was meditating a flight. Neave remained in Jaunpur until the middle of August and by his unremitting exertions the sum of two lacs of rupees was realised.[5] He found that even if the whole sum due from the village subrenters were realised, it would amount to far less than the revenue for which the pargana had been leased out to the amil.[6]

A close scrutiny of Kulb Ali's accounts led to a discovery that the bankers had appropriated to themselves the amount of Rs. 17,084 As. 4 on the plea of repaying Kulb Ali's debts to them on account of the preceding year.[7] At the Raja's request, Duncan therefore passed an order that the bankers should refund that amount to

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[1] Duncan to Cornwallis, 29 December 1787, Public Record Office 30/11, Box 27.

[2] Duncan to Government, 12 September 1788, consultation 3 October 1788, Bengal Revenue Consultations, Range 51, Vol 25, p. 186.

[3] Ibid , p 187.

[4] Ibid , pp 188-189.

[5] Ibid.

[6] Ibid.

[7] Ibid , pp. 189-190

the public revenue. Duncan believed it to be in conformity with the ideas and practice of India to prevent all such unauthorised appropriations of the current collection more especially when the renter was an avowed bankrupt.[1] But it excited so much opposition from the bankers, through whom all the revenue of the country passed from renters into the Raja's treasury, that they combined not to give their notes or *Dakhillas* for the next kist until Duncan agreed to refund the amounts taken from them.[2] Duncan found himself in a very difficult position because, according to the system prevalent in the country, the bankers were in a great measure essential to the Raja as well as the Government itself for the realisation and deposit of the revenue.[3] Usually the kists were not realised in cash but by the bankers' Dakhillas payable in a certain number of days. As the renters were generally in arrears, the bankers exacted their own terms from them for these Dakhillas, as well as sometimes even from the Government.[4] But Duncan by his tact was able at length to adjust the matter with the consent of the bankers, who acquiesced in paying back "one moity [sic] of What they acknowledged to have thus received & appropriated."[5]

In every part of the province there was difficulty in the collections. The Raja had been given the task of forming the settlement at a very unfavourable time. The country was in a very decayed state. Moreover, the Raja's neglect in not deputing Amins to the parganas caused a serious diminution in the extent of cultivation. Normally it was customary with the Raja to send Amins to the parganas for the encouragement of cultivation but this time the Raja had not sent them in spite of the acting

[1] Ibid.

[2] Ibid

[3] Ibid

[4] Ibid., pp. 190-191.

[5] Duncan to Government, 27 September 1788, Consultation 10 October 1788, Bengal Revenue Consultations, Range 51, Vol. 25. pp.905-906.

Resident's repeated requests[1] Notwithstanding the bad prospects, the Raja, without investigating the real revenue capacity of the country, formed the settlement at the highest possible amount This Duncan thought was done in order to gain the good opinion of the Government[2] The result was that the new settlement was the highest that had been made during the past few years The average annual gross collection for the preceeding five years had been Rs 4,071,933 As 2 Pies 9, the new settlement was for Rs 4,285,360 As 11 Pies 3 or more than two lacs higher than the average[3]

This settlement was more than the country could bear In spite of all the assistance that the Resident could give including the deputation of sepoys to enforce payment the assessed revenue was not realised The total sum realised for 1195 Fasli (1787-88) came to Rs 3,815,379 As 12 Pies 3[4] This sum was not adequate to meet even the Government's demand The Government's demand for that year after all deductions was Rs 3,851,732 As 7 Pies 9[5] Besides this there was an instalment of Rs 50,000 for the outstanding balances, of previous years Thus the total Government demand came to Rs 3,901,732 As 7 Pies 9[6] The charges of sadar kachahri for the management and collection of revenue which were to be met from the public revenue were Rs 119,309 As 6 Pies 6 Thus the total deficiency was Rs 205,662 As 5[7] The Raja expressed his readiness to agree to any expedient Duncan could suggest for making up the deficit because he had been responsible for the settlement A part of the deficiency however was met from the amount collected against the outstanding revenues for previous years and the recovery from the

[1] Duncan to Government, 26 April 1789, Consultation 17 June 1789 Bengal Revenue Consultations, Range 51, Vol 37, pp 56 57
[2] Ibid , p 45
[3] Ibid , p 44
[4] Ibid p 61
[5] Ibid , p 62
[6] Ibid
[7] Ibid

Shroffs[1] In addition the Raja surrendered the sum recovered by him from Kashmiri Mul in a suit against him before the Resident relating to a joint and private concern which they had had in partnership in some firms in 1193 Fasli (1785 86)[2] He met the remaining deficiency by taking a loan of Rs 85,000 from Sheo Lal Dubey and by making an advance of the same amount out of the revenue of his personal jagir of Kera Mangrore[3] The realisation of a part of the deficit from the Raja's personal jagir was not favoured by the Government As a gesture of good will the Government did not wish to touch his personal income[4] Duncan however, tried to justify his action by showing that the jagir had been given to the Raja on the understanding that it should be available for the payment of revenue in times of need[5] Duncan also pointed out that in 1193 Fasli (1785 86) the Raja had utilised this source for making up the deficiency in the public revenue[6] By November 1788 all the demands of the Government were met The Raja wrote to the Governor General "by the assistance of Mr Duncan's kindness who is at all times earnest to assist and take care of and to cultivate the country the revenue for 1195 Fussely (1787-88) have been well paid up'[7] Duncan was also satisfied at being able at last to complete the Government's demand for 1195 Fasli (1787 88)[8]

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[1] Ibid, pp 62 63
[2] Ibid
[3] Ibid, pp 64 65
[4] *Government to Duncan 3 October 1788 Consultation* 3 October 1788 Bengal Revenue Consultations, Range 51, Vol 25, p 234
[5] Duncan to Government 26 April 1789, Consultation 17 June 1789, Bengal Revenue *Consultations Range 51, Vol* 37, pp 67-70
[6] Ibid
[7] Raja to Governor-General, n d received 24 November 1788, Consultation 3 December 1788, Bengal Revenue Consultations, Range 51, Vol 28 pp 125 126
[8] Duncan to Government 30 November 1788, Consultation 17 December 1788, Bengal Revenue Consultations, Range 51, Vol 29, p 251

Duncan while on tour saw for himself the defects of the prevailing revenue system and the consequent misery of the people He found that the amils had been left to assess the jama on the country "ad libitum" and had been practising what was known as taking "both shares" of the crop, by which was meant the taking of "much more than its fair moity [sic]" He also saw numerous other irregularities and was apprehensive that if a regular revenue system was not substituted in a few years there would be an alarming failure in the Government's revenue[1] He wrote to the Government, "the Evil however tho' yet in a considerable degree latent, has already in some instances and might soon in many others burst forth, and, that, Reformation is required to prevent it, is what I have no doubt of"[2]

Duncan therefore wrote a letter to the Raja in June 1788 suggesting a number of changes in the revenue system and advocating the granting of uniform pattas[3] He thought that the presence of diverse types of pattas enabled the amils by illegal exactions and fraudulent behaviour, to defraud the cultivators of their fair share of the produce Naturally the introduction of a uniform pattern of patta was the first requisite to safeguard the interest of the tenant As the amils used to exact much more than the stipulated rent by false measurement, Duncan insisted on the specification of the measure of land as well as the produce in the pattas where payment was to be made in kind To guard against the arbitrary fixation of the grain by the amils at the time of converting grain rates into cash, he ordered that the price was to be fixed by the Raja after each harvest in consultation with the Resident The multiplicity of various abwabs (cesses) and illegal exactions fell heavily upon the

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[1] Duncan to Government 12 September 1788 Consultation 3 October 1788 Bengal Revenue Consultations Range 51, Vol 25, p 196

[2] Ibid p 207

[3] Translation of a Parwana to the Raja from the Resident 25 June 1788 Consultation 3 October 1788 Bengal Revenue Consultations Range 51, Vol 25, pp 197-201

management of the collections and the issuing of the new pattas into his own hands He also agreed to defray the additional expense which this would cause for the amins, and which he thought, would not exceed ten thousand rupees, and hoped that the Government would sanction it[1] He was convinced of the necessity of the new changes, and because of his persistence the Raja agreed[2]

Duncan also suggested to the Government that in future the payments to the qanungos should be made in cash from the public treasury Until then the qanungos had been paid by the amils, who collected certain abwabs from the raiyats to reimburse themselves This method of payment kept the qanungos in a state of dependence on the amils over whom they were in fact intended to be a constitutional check Duncan had suggested to the Raja even earlier that he should make the qanungos independent of the amils but it seems that his advice had not been put into practice He also expressed his desire that the qanungoship should not be left hereditary because he found that there were so many people and such numerous families to be maintained from the funds assigned that those who actually executed the business had no adequate reward for their labour He did not want the qanungoship to be anything more than a service liable to terminate at the employer's pleasure He therefore sought the Government's permission to make fresh appointments of qanungos[4]

Duncan also saw the need for a proper court for revenue cases[5] There was no doubt the Raja's Mulki Adalat but it was principally for causes of private property and was inadequate to hear revenue causes 'The officers or judges are Mussulmans, unacquainted with matters of Revenue and whose Habits and studies bear no affinity to such Disquisitions'[6] Thus, the raiyats

[1] Ibid pp 209 211
[2] Ibid
[3] Ibid, p 213
[4] Ibid pp 213 214
[5] Ibid p 218
[6] Ibid

had no regular institution to apply to, and even when they did complain it was with the greatest difficulty that they obtained any kind of relief A court of justice consisting of two Indians, one the nominee of the Resident and the other of the Raja, was therefore appointed to settle all disputes that might arise between landlords, tenants and amils[1] This court was to sit in Benares in the Resident's office and under his immediate control[2]

Duncan also tried to assess the real revenue capacity of the Province by taking into consideration the average amount annually collected for some years past He examined James Grant's estimates of the public revenue of the Zamindari of Benares in 1184 Fasli (1776 77) Grant had estimated the total revenue to be Rs 7,378,321 but Duncan on a careful scrutiny found that some districts had been over valued while some others did not form part of the Zamindari[3] Duncan's corrections were supported by the Mufassil receipts and by Ausan Singh, Sadanand Bakshi and other revenue officers of Benares He took pains to go through the accounts of the preceding five years of the Raja's sadar settlements and found that the Government's assessment was sufficiently high[4] The average actual collection of revenue per year was Rs 4,074,933 As 2 Pies 9[5] Deducting from it the charges of collection and the diminution in the resources of 1195 Fasli (1787-88) by the custom house regulations the probable net collection for future years for the Mufassil was Rs 3,758,881 As 11, which was quite insufficient even to meet the Government's demand[6]

Duncan's long and informative report, which contained concrete suggestions for the reformation of the revenue administration of the country, was praised by the Government as a "clear and satisfactory account of the

[1] Ibid p 219
[2] Ibid
[3] Ibid, p 162
[4] Ibid, p 163
[5] Ibid, p 163
[6] Ibid, p 179

revenues and the state of Benares".[1] All his recommendations were accepted. He was authorised in clear terms to undertake the entire revenue settlement of 1196 Fasli (1788-89), availing himself of the Raja's interposition no farther than he thought proper.[2] Cornwallis appreciated Duncan's handling of the Raja and also his contemplated reforms. He wrote to the Court of Directors on 3 November 1788, "After being acquainted with the alarming state of decay into which that country had fallen and with the prevalent defects and vices in its internal government, I entertained no hopes of obtaining an hearty concurrence and assistance from the Rajah in their correction because I believed him to be, like most of the chiefs of this country, too jealous of his own personal importance to assent with sincerity to rules which included, the very necessary regulation of his own conduct, and little capable of comprehending the ruinous consequences to his own private interests which must ultimately arise from an irregular and capricious system of government. On the other hand, having no intention to attempt to increase the present revenue or the actual power of the Company in Benares, I proceeded with confidence to authorise the measures of reformation which are described in the public records; and I hope they will by promoting the improvement of commerce and cultivation, tend to give permanency to the Company's revenue, and to add considerably to the profits and income of the Raja himself, whilst I likewise trust that experience will prove that they have been well calculated to protect the mass of inhabitants against the miseries, so common in this quarter of the globe of oppression and injustice."[3]

Even before the arrival of the Government order of 3 October, Duncan on 7 October had told the Raja that it was necessary that the revenue of the parganas should be

[1] Government to Duncan, 3 October 1788, Consultation 3 October 1788, Bengal Revenue Consultations, Range 51, Vol 25, p 241

[2] Ibid., p 236

[3] Cornwallis to the Court of Directors, 3 November 1788, Public

fixed on the footing of the new pattas according to their ascertained capacity so as to allot the amounts payable on as equal and easy terms as possible [1] He also emphasised that for the success of this measure it was desirable that he himself should take a direct part in the new settlement The Raja willingly agreed Duncan also stated that in the choice of new renters he would not appoint any man who was not acceptable to the Raja and that all these appointments would be notified under the Raja's seal [2]

Having taken charge of the revenue administration Duncan wanted first to strike at the roots of the evil of an enhanced or unequal assessment He wanted to fix the jama after ascertaining the extent of the cultivation of 1196 Fasli (1788-89) and by examining the estimates of the qanungos by a general measurement of land [3] Since this was to take a considerable time the amils and the village renters were asked to continue their instalments of revenue on the basis of the assessments of the previous years [4]

When Duncan was busy preparing plans for reforming the revenue system he had to face a great calamity There was a scarcity of foodgrains and he had to take effective measures to import foodgrains from other parts of India and to have them properly distributed While trying to deal with this scarcity he decided to give up his original scheme of basing the next assessment on a complete and thorough survey of cultivated lands as such a survey might have taken a very long time He decided instead to make the next settlement on the basis of the qanungos' reports and their estimates of total production which were to be verified and corrected on the basis of the experiences of previous years [5]

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[1] Duncan to Government 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations Range 51, Vol 37 pp 74-75

[2] Ibid, pp 75-76

[3] Ibid, p 77

[4] Ibid, p 78

[5] Ibid, pp 79 80

Before making the assessment on each pargana Duncan had before him the jama and abwabs or cesses for 1187 Fasli (1779-80) and the same accounts for 1195 Fasli (1787-88); thus the revenue yield of the two extreme years was to be compared with the estimates of the qanungos for 1196 Fasli (1788-89).[1] Out of these deductions were to be made on account of Dehayak Maafi or the 10% allowance given to the amil for his management, the qanungos nankar or allowances, Mujrai or that part of the collections remitted on various accounts to the under farmers and half bhuri or the due of the banker who remitted the collections from the country to Benares.[2] The remainder was to constitute the sum to be paid by the amils to the Government.[3] It should be remembered that Duncan had abolished all the new cesses that had been levied after 1187 Fasli (1779-80) and had incorporated the old ones into the land revenue. Thus there remained only one denomination of land revenue of Benares, namely the Mal, and Duncan was of opinion that no fresh imposition should be permitted.

The Kistbandi of the amils, or the instalments by which they were to pay their revenue, next attracted Duncan's attention. In the time of Balwant Singh the collections were made from Aswin (first month of the year) to Jeth (ninth month of the year) and during the following three months the cultivators were left to carry on their ploughing and cultivation for the ensuing year.[4] The sadar Kistbandi extended only to ten months—the end of Asadh (tenth month of the year)—but in the time of Chait Singh this rule was relaxed, and after his expulsion collections were made throughout the year.[5] Duncan realised the benefits of Balwant Singh's regulation. He was convinced that collections during the period of cultivation were bound to hamper it. He therefore enforced Balwant Singh's rule and decided that the instalments of

[1] Ibid., pp. 80-81.
[2] Ibid., pp. 81-82
[3] Ibid
[4] Ibid., pp 85-86
[5] Ibid

the amils were to be paid in the first ten months of the year, one half from the Kharif (autumnal harvest) and the other half from the Rabi (spring) harvests.[1]

Duncan also took pains to prepare a general estimate of the approximate revenue in two forms, first on the footing of leases for one year only, and second, on an estimate of what the farmer of the impoverished districts might be induced to agree to as a surplus, even on the present year's Jama, in consideration of their farms being let to them for a period of five years upon an increasing Jama. By a calculation on this basis he found that by leasing out the parganas for a year only Rs. 3,528,633 As. 13 would be obtained and that by fixing five years' leases for such of them as were most decayed Rs 3,601,863 As 14 Pies 6 might be procured to begin with.[2] The rental, in the latter case, by a gradual annual increase on the mehals let out for five years, might in the fifth and the final year rise to above Rs. 3,800,000 which Duncan thought was the most that any Government could reasonably expect.[3] His preference was for the second procedure. He was strongly convinced that it was more suited to the country. He knew very well that the parganas, once reduced and impoverished could never be improved or effectually restored under annual settlements. With the consent of the Raja, he therefore settled some of the impoverished mehals with the substantial amils for five years.[4]

Duncan next proceeded with the task of making the actual settlement. From 13 December until the end of that month he was busy forming the settlement with the amils on the basis of the estimates of the qanungos. Most of their estimates were accepted but in some cases where their figures seemed unusually low the old method of competition was resorted to.[5]

In making the settlement Duncan gave particular attention to the honesty and integrity as well as the financial

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[1] Ibid., pp 86-87.
[2] Ibid., pp 94-95
[3] Ibid
[4] Ibid., pp 96-97.
[5] Ibid., pp 87-88

stability of the amils. He thought that honest and financially stable amils could commonly be expected to resist the temptation of exploiting the tenants. Two of such persons were Sheolal Dubey and Shankar Pandit. A settlement was made with Sheolal Dubey for the parganas of Bhoili for one year and of Jaunpur which were in a distressed condition, for five years.[1] The very decayed and extensive pargana of Sikandarpur was made over to Shankar Pandit.[2] The settlement of the parganas which were not impoverished was first made only for a year but owing to the defects of an annual lease, most of them were afterwards extended into five years' leases.[3] In the settlement of 1196 Fasli (1788-89) the number of amils holding leases for five years was 38 and that of those holding leases for only the current year was 28.[4]

Duncan clearly perceived that the resources of the province would not be sufficient to meet the Government's demand and the cost of local administration. He tried with some success to effect economy in the charges of the administration. He therefore urged the Raja to reduce the expenses of the sadar kachahri.[5] The Raja was directed to keep for his retinue 10 horsemen, 60 peons and 40 harkaras (messengers) in place of 47 horsemen, 287 peons and 75 harkaras.[6] This brought a saving of Rs. 13,533.[7]

The amount of Duncan's settlement was entirely realised and the actual collections were Rs. 8,236 higher than he had anticipated Even after adding the income

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[1] Ibid, pp 98-102

[2] Ibid, p 103

[3] Ibid, p 113

[4] Ibid, p 122

[5] Duncan to Government, 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, p 92

[6] Enclosure in Duncan's letter of 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 38, p 954

[7] Duncan to Government, 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, p 93

from the customs the Government demand and the provisional charges could not be fully met There was still a deficiency of Rs 101,814 As 15 Pies 4[1] The Raja could not be asked to make up the deficiency because he had not been responsible for the settlement of 1196 Fasli (1788 89) and the new measures had been introduced under the express authority of the Government Duncan suggested that this deficiency could be diminished by curtailing the annual allowances to the village zamindars and by reducing the charitable allowances to the Muslim pensioners restored by Hastings[2] But the Board did not approve of these suggestions They wrote to him that they were "by no means willing to adopt any measures for supplying this amount that might be a tendency to shake the confidence of the inhabitants of the province in Government, or to induce them to impeach its humanity"[3]

They further observed that their "concern in observing the insufficiency of the ordinary fund in 1196 [1788 89] for making good the stipulations to Government for that year was more than counter balanced by the following considerations —that in the present state of the zamindaree no provision could have been made for the complete discharge of the amount without rackrenting the country, and inducing future impoverishment, that the ryots had been relieved from many impositions in their nature arbitrary and in their amount unlimited, that by due regulation a bar had been placed to future exaction, and that the demands upon the ryots had been simplified and rendered definite, that the public revenue had been provided for in real and ascertained funds, to the general advantage of all responsible for it, and that confidence

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[1] Duncan to Government 26 April 1789, Consultation 17 June 1789 *Bengal Revenue Consultations*, Range 51, Vol 37, p 128

[2] Ibid, pp 134-138

[3] Government to Duncan, 17 June 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, p 223

and security had been established "[1] The Board viewed with satisfaction the beneficial effects of the settlement and were of the opinion that strict adherence to Duncan's regulations of 25 June 1788 as the Dastur-ul Amul or the law of the land for the province at large would make the benefits of the settlement permanent [2]

Cornwallis was pleased with the rapid improvement of the administration of Benares and he wrote to Dundas, "Benares is improving rapidly, & I trust the government of Duncan will soon eclipse that of Cheyt or even Bulwant Sing "[3] The Court of Directors also expressed their approbation of Duncan's conduct They observed, "Altho' we have particularized but few of the measures proposed by Mr Duncan, for the improvement of Benares, yet none of them have escaped our observation, and we should be wanting in justice to him, if we did not declare the high sense we entertain of his Industry, zeal, Integrity and Abilities "[4]

The Board also suggested to Duncan the desirability of making a decennial settlement in the province of Benares as a preparatory step towards the introduction of the Permanent Settlement which they were going to introduce in Bihar [5] They sent him a copy of the instructions issued by the Government relative to the formation of the Permanent Settlement and told him to "lose no time in communicating to Government his sentiments regarding the expediency and practicability of introducing a similar plan of settlement into the Province of Benares, at the commencement of the ensuing year, either

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[1] Government to Duncan 17 June 1789, Consultation 17 June 1789, Bengal Revenue Consultations Range 51, Vol 37, pp 213 214

[2] Ibid , p 227

[3] Cornwallis to Dundas, 8 March 1789, Public Record Office 30|11, Box 150

[4] Court of Directors to Governor General in Council (Revenue Department), 19 May 1790, Bengal Despatches No 20, pp 641 642

[5] Government to Duncan, 17 June 1789 Consultation 17 June 1789, Bengal Revenue Consultations Range 51, Vol 37, pp 247-248

ten years' scettlement of the revenue in the course of the ensuing season throughout the whole district "[1]

Duncan lost no time in carrying out the instructions of the Government but he did not impose the decennial system on all the parganas of the province at the same time He first gave it a trial in a few of the districts that were not under the five years' lease, in addition to three or four parganas in which the five years' lease had been forfeited or resigned by the farmers such as Ghazipur, Kharid, Gurha, Dehma and Chunar[2] He appointed the most trustworthy amils to these parganas and furnished them with minute instructions He insisted on having as many zemindars and putteedars and as few farmers as possible, and secondly and even a still greater object that every zemindary or talookdary should be subdivided as far as there are distinct shares and proprietors, and one proprietor shall not (as far as may be) find means to include in his tenures and caboolíat the distinct share of his younger or less considerable brethren for the smaller the engagements and the less considerable the landholders the more be secure the interior peace of the country and ready obedience to Government which of course comprehends the due payment of the revenue—all which ends are obstructed by great turbulent landholders who in this part of the country appear for the most part to have become so by nothing else than the usurpation over their brethren I need hardly add that where the lands are undivided all the names of the partners should be inserted in their engagements with the Government '[3]

Thus in essence he seems to have been interested in having something like a Raiyatwari settlement He was anxious to eliminate the intermediaries between the

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[1] Cornwallis to the Court of Directors 2 November 1789 Public Record Office 30|11 Box 154

[2] Duncan to Government 2 October 1789 Consulation 21 October 1789 Bengal Revenue Consultations Range 51, Vol 49 p 207

[3] Duncan to Neave 12 December 1789 included in Shakespeare's *Selections from the Duncan Records* Settlement Appendix XCIV

owners of the soil and the Government. He was however quite conscious of the fact that settlement with the village zamindars might lead to the exploitation of such raiyats as had no proprietary rights to the fields they cultivated; and to protect their interests he provided that village zamindars should issue pattas to the raiyats in the same manner as the amils would issue to them.[1]

Under the instructions of the Company he also declared that all the landholders who had been dispossessed before 1775, the year from which the Company's sovereignty over the country was established, should be excluded from the settlement.[2] The necessity of such a ruling by the Company was explained by the following terms, "most of the suits would be of the nature of appeals from the decisions of the former administrations before the English acquired the possession of the Dewani; and as the public records of transaction before that period are incomplete it would be impossible to ascertain the grounds of decision against the claimants to zemindars who in the case would have all advantage in every suit."[3] Duncan also laid down for the guidance of the amils that when three fourths of any village was cultivated the settlement was to be made at a uniform rent for the whole period of ten years, but that when more than one-fourth of the village was waste, the settlement was to be for the first five or six years of its currency a progressive one.[4]

Duncan took an active interest in the improvement of

agriculture and gave encouragement to its extension He agreed to the proposal of the amil of Jaunpur for bringing into cultivation the forest lands on that frontier.[1] It was proclaimed that cultivators of forest lands would be exempt from assessment for three years He also agreed to the proposal made by the amil of Shadiabad for bringing into cultivation 1,200 bighas of land which had lain fallow for several centuries[2] He also gave his assent to the cultivation of 5,000 bighas of waste land in the pargana of Dhus on moderately progressive jamas for three years[3]

The rains were plentiful in 1789 The revenue was fully realised and the employment of sepoys for the collection of revenue had considerably diminished A lakh and a half of rupees more than in the years preceding had been collected[4] Cornwallis wrote to Dundas, "My friend Duncan has accomplished more in two years in Benares than I conceived it possible for any man to do"[5]

Duncan went to Calcutta in 1789 for a "nearer and personal communication" with the Governor-General regarding the ensuing settlement His policy of not disturbing the existing settlement in areas where the quinquennial settlement was already made and a decennial settlement in other areas was approved by the Government[6] They also approved of his idea of making the Raja a party to the settlement although the actual management had been taken over by the Resident[7]

Soon after his return from Calcutta, Duncan went on

[1] Duncan to Government, 2 October 1789, Consultation 21 October 1789 Bengal Revenue Consultations, Range 51, Vol 49 pp 197-198

[2] *Ibid*

[3] Fisher and Hewett Gazetteer N W P, Vol XIV (Jaunpur), pp 20 21

[4] Personal Records, Vol II, pp 66-70

[5] Cornwallis to Dundas 7 November 1789, Public Record Office 30|11, Box 150

[6] Resolution of the Board, 21 October 1789, Consultation 21 October 1789, Bengal Revenue Consultations, Range 51, Vol 49, pp 221-222

[7] Ibid

tour through the zamindari accompanied by the Raja. He experienced great difficulty in making the settlement due to relatively small number of zamindars. In the very first district (Jalhupur) of which he undertook the settlement there were only two zamindars with whom, under the existing regulations, he could settle.[1] He found that out of the 5,000 or so village zamindars in Benares, only nearly 3,000 were in actual possession of land in the different districts and the rest remained excluded, principally from having been dispossessed by Balwant Singh before the Company's annexation of Benares in 1775. He therefore impressed on the Government the desirability of restoring the dispossessed zamindars.[2]

As Duncan could not visit each pargana in person he employed his two assistants to superintend and effect the formation of the four and ten years' Mufassil settlement. Instructions almost similar to those issued to the amils at the time of introducing the deccennial settlement in some parganas were also forwarded to the two assistants for their guidance.[3]

Duncan next turned his attention towards assessing justly the rental on each separate village or larger subdivision of the different parganas. He had before him, in making the settlement, the name of each district, the *number of zamindars in and out of possession, and the* bighas in and out of cultivation, together with the general money rates of revenue and the produce of the soil in each, the quantity of free land, the population, the numbers of forts and rivers, the principal articles of manufacture and trade and the gross quantity of grains produced.[4] *He also obtained from the qanungos on oath* the true account of the last ten years' Mufassil assessment on each pargana or mehal. On the basis of this, corrected at some places by reference to prevailing condi-

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[1] Duncan to Government, 25 November 1790, Consultation 11 February 1791, Bengal Revenue Council, Range 52, Vol. 26, pp. 182-183.

[2] Ibid, pp. 183-184.

[3] Ibid, pp. 184-185.

[4] Ibid., pp. 357-360 (to be included in the appendix).

tions, Duncan determined the assessment on each mehal and then the pargana assessment, and on its basis the settlement for 1789 was concluded.[1] Under this settlement nearly 2/3 of the area was settled with the village zamindars, 1/4 was left with the revenue farmers, and 1/12 remained Amani or under direct management and the collection in such areas was to be directly made from the raiyats because of the absence of both zamindars and farmers in these areas.[2] The result of the settlement was encouraging and the full amount of the revenue of 1789-90 had been realised without hardship or difficulty to the raiyats and the increase in that year amounted to Rs. 85,000.[3]

Duncan's settlement won the warmest approbation of the Government. The Government directed that the four years' pattas be confirmed for the ensuing six years, so as to reduce the whole to a ten years' settlement.[4] To create confidence among the cultivators and to give them at least a semi-permanent interest in the land, Duncan was also instructed to give assurances to the patta holders that "as long as they continue to pay the revenue stipulated in the last year of the increase, as specified in their several pottahs they shall not be liable to any further demand during their lives."[5]

Thus the decennial system was extended throughout the province. But in the year 1791 the rains were very scanty. It was with the greatest difficulty that the demands of the Government could be met. Duncan wrote to Cornwallis, "the truth is, we have had a most trying year; and nothing but the real productiveness of the country, aided by a set of excellent amils and Bankers and the general Good-will of all to bring the annual vessel into port, could have enabled me to pay this year the

[1] Ibid., pp 195-196
[2] Ibid., p 199
[3] Personal Records, Vol II, pp 66-70
[4] Government's order to Duncan, 11 February 1791, Consulted on 11 February 1791, Bengal Revenue Council, Range 52, Vol 26, p 386
[5] Ibid., p 387

jumma of Government and defray the encreased [sic] Expences [sic] arising from a new list of Pensioners[1] and our college'

In 1792 Duncan was deputed by Cornwallis to Malabar as a commissioner for the territories ceded by Tipu Sultan The introduction of the Permanent Settlement in Benares was consequently delayed for some time because in Duncan's absence Cornwallis did not want to introduce it Duncan wanted the system that he had introduced to be continued in Benares during his absence He therefore wanted Treves to deputise for him as Resident He wrote to Cornwallis I may privately say to your Lordship that I believe it [Benares] will this ensuing year be in a very prosperous state and as easily managed as can well be imagined (labor excepted) provided the same system be maintained and the amils and agents employed who have carried it thro' this last years' threatened shipwreck and therefore, if there be not serious objections, on grounds that I may not forsee, I should be very glad (since the Deputation will not I suppose last above 6 or 8 months) if Treves were allowed to remain during my absence as acting Rest as in that case every thing would go in the same Train and I think I could be responsible to your Lordship that Treves would be equal to the charge & would conduct himself in it with deligence and honesty, & thus with my brother remaining as his assistant I should (to compare small things with great) be at least as easy about Benares as your Lordship were about it and the 3 Provinces when you left them in charge of your colleagues in council[3] Duncan's suggestion was accepted by Cornwallis and Treves served as Acting Resident of Benares until Duncan's return from Malabar in March 1794 The two years during which Treves

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[1] Persons who lost their pensions by the abolition of the interior duties in 1788 and some of whom had been restored because of sex age or infirmity

[2] Duncan to Cornwallis 12 August 1792 Public Record Office 30|11 Box 53

[3] Duncan to Cornwallis 12 August 1792 Public Record Office 30|11 Box 53

conducted the administration were not marked by any measure of importance in the formation of the Permanent Settlement. The province continued to grow in prosperity except for the parganas Chausa and Zamania, which had been over-assessed by Neave. The land revenue continued to increase and was collected with ease.

While Duncan was in Malabar, Cornwallis left India and was succeeded by Shore, who belonged to Cornwallis's school. He had tried to complete Cornwallis's unfinished tasks in Benares. Cornwallis had written to Shore before his own departure from India, "I cannot help feeling great concern at the unsettled and precarious state in which I have been forced to leave the province of Benares."[1] He continued, "Had I not been under the necessity of sending Mr. Duncan to the Malabar coast in order to have a chance of deriving any important advantage from our new acquisitions, I should certainly have attempted, thro' him to have persuaded the Rajah to agree to the adoption of the system which promises to produce such happy effects in Bengal and Bihar."[2]

Shore also believed in the wisdom of Cornwallis's plan. In his minute on Benares he wrote, "As the success of Regulations for promoting the prosperity of a country ought to depend upon established system rather than the personal qualifications of any Man, our arrangement should be planned upon this principle."[3] He accordingly instructed Duncan, during the latter's short stay in Calcutta on his way back from Malabar to Benares, to try to obtain the Raja's consent to the introduction of the Permanent Settlement in Benares. But obtaining the Raja's assent was not an easy task and Duncan knew it very well. He wrote to Ross, "I can not but doubt how far I may be able to prevail on the Raja to consent to

[1] Extract of a letter from Cornwallis to Shore previous to his leaving India, n d, Personal Records, Vol II, p. 71.

[2] *Ibid.*

[3] Extract of Shore's minute on Benares, 3 March 1794, Personal Records, Vol. II, p. 71.

what he will esteem his own political undoing—but of this, be assured, that I shall sincerely attempt it with the best wishes to succeed, as I must ever feel towards seconding any object that his Lordship esteems for the public advantage'[1] He took about five months to obtain the Raja's assent and he had great difficulty in doing so[2] David Scott was satisfied at Duncan's success in obtaining the Raja's consent He wrote to Duncan, "Nothing could have been more gratifying to us or more to your credit than the Raja's voluntarily adopting the Marquis's plan for the administration of the revenue and judicial system as in Bengal It will be a happy thing for the Raja, for the Company and all concerned "[3]

Duncan wanted to remove the defects he perceived in his late settlement before the Permanent Settlement was introduced into Benares He wrote to Ross that he had "A strong desire to deliver over Benares in the most flourishing state at the time when the new system takes place in it'[4] He found that some of the parganas were over assessed and out of 4,700 pattas about 700 had been given up[5] He took a number of steps to bring about an equality of assessment, security of tenure and freedom from exploitation to the general body of cultivators He tried to diminish the amil's power and influence which was still quite considerable He tried to regulate and limit the exactions of Talbana, or peon's fee, by fixing the rules for every pargana and by rendering it penal in any amil to issue a Talab Chitthi (summons) without the

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[1] Duncan to Ross 1 March 1794 Home Miscellaneous Vol 741

[2] Duncan to Government 25 July 1794 Consultation 19 September 1794 Bengal Political Consultations Range 115 Vol 27, pp 110-112

[3] *The Correspondence of David Scott* ed Phillips C H I pp 57 58

[4] Duncan to Ross 13 March 1794 Home Miscellaneous Vol 741

[5] Duncan to Government 22 July 1794, Consultation 19 September 1794 Bengal Political Consultations Range 115 Vol 27, pp 106 107

qanungo's attestation.[1] Normally peons were sent to collect revenue or give reminders for outstanding amounts. The peons were entitled to collect a fee for their labour from the cultivators. But in course of time this practice was rather abused and this fee became a source of hardship to the cultivators. He forbade the holding of more than one pargana by one amil or by an amil who generally lived in the city of Benares, to avoid the evils of absenteeism.[2] He also gave the zamindars and farmers holding the pattas from the Government the option of paying their quota of the public revenue either to the amil of their district or directly into the Government treasury at Benares, through a banker or a substantial person.[3] Duncan thought that these regulations would tend to secure the cultivators from any danger of undue exactions by the amils.

While Duncan was busy improving the Mufassil settlement, the Board transmitted certain points for his consideration. The Raja was to be told that he was to continue to sign the pattas and farigh khutties (acquittances) as before and to keep them up to date, and that a part of the surplus money left annually after paying the Government demand would be spent for the improvement of the zamindari and judicial establishment of Benares subject to his consent.[4] The Board also directed Duncan that preparatory to the introduction of the Permanent Settlement the amount of rent payable by the village zamindars and farmers should be fixed in perpetuity. The Board felt that the limitation of the public demand should tend to protect their private rights and spare them from oppression at the hands of amils and other revenue officials. It was further recommended that the jama of lands settled in perpetuity should not generally exceed the highest amount payable under the

[1] Ibid , pp 107-108

[2] Ibid , pp 108-109

[3] Ibid

[4] Government to Duncan, 19 September 1794, Public Record Office 30|11, Box 54.

existing arrangement[1] As the Board kept the welfare of the peasantry as their ultimate aim, they wrote to the Resident, "It does not appear to us desirable that a greater land revenue should be assessed on the Zemindarry of Benares than may be sufficient in addition to the receipts from the customs to make good the fixed annual payment of 40 Lacks [sic] to Government, with the charges of collection hitherto defrayed from the Mulki Treasury, and to furnish a surplus adequate to providing for the part of the expence [sic] of the Judicial Establishment and also for the maintenance of the college, making of roads, bridges, other works for the improvement of the zemindarry, and for allowing of some addition to the Rajah s income'

The Board also made recommendations concerning the types of persons with whom the settlement was to be concluded Where the village zamindars retained the proprietary rights in their lands and were also pattadars or kabuliyatdars (*the party who binds himself by contract*) the settlement was to be made with them Where they were not Kabuliyatdars the leases of the revenue farmers were to remain in force until their expiry If the lands of any village zamindars were not let on lease but were collected as Khas, that is from the individual cultivators, the village zamindar had the option of entering into engagements according to terms laid down by the Resident To obviate inconveniences which might result from entering into engagements with numerous pattidars, or shareholders, the pattidars should appoint a manager with whom the settlement was to be concluded[3] This was quite in contradiction to the ideas of Duncan who wanted to grant pattas to each individual shareholder This deviation in the Company's policy materially changed the nature of the settlement in Benares and as we shall see later, it gave rise to considerable inconvenience to such coparceners whose names were not entered into the pattas In the absence of village zamin

[1] Ibid
[2] Ibid
[3] Ibid

dars, settlement were to be made with the head cultiva tors of the villages or the districts were to be divided intc small farms of 5 to 10 thousand rupees and granted at ɛ fixed rent in perpetuity. Leases were to be hereditary and transferable but the lands comprised in them coulc not be divided or considered the property of the lanc holders. The intention behind this was to give the hol ders a permanent interest in the improvement of the land and at the same time to safeguard against the lease be coming an uneconomic unit by subdivision. The reve nues were to be directly paid into the public treasury at Benares and the collection was to be committed to a col lector. The collector and his officers were to be prose cuted for every unauthorised exaction. Duncan was directed to frame regulations on the basis of these instructions and transmit them to the Board along with his suggestions.[1]

Duncan framed the necessary regulations on the basis of the Government's instructions of 19 September 1794 and sent them for the Board's consideration. In pursuance of the Board's instructions he suggested that out of the surplus revenues of the province, which were not expected to be less than one lakh and forty thousand, one lakh was to be left to the Raja and the remaining sum utilised by the Government for the erection of bridges, repair of roads or other public works.[2] He further suggested that public sales for arrears of revenue which were prevalent in Bengal and Bihar should not be enforced in Benares.[3] In a sale by public auction the purchaser might have been neither financially stable nor interested in the improvement of agriculture. It may be recalled that Duncan had always emphasised that in making a settlement the character and financial stability of

[1] Ibid

[2] Duncan to Government, 13 October 1794, Consultation 24 October 1794, Bengal Revenue Council, Range 53, Vol 21, pp 410-412

[3] Duncan to Government, 20 October 1794, Consultation 7 November 1794, Bengal Revenue Council, Range 53, Vol 21, pp 635-636

the amils or the zamindars was to be the first requisite, but in public auction there was no scope for such selection. So he recommended that in cases of arrears the collector should punish the defaulting parties by dispossessing them and by holding their lands in khas management so long as they did not pay their dues.[1] Duncan's suggestions were approved by the Board and were incorporated in the Regulations of 1795. By a Proclamation issued on 27 May 1795 Duncan's settlement was made permanent in Benares

It may however be noted that the Permanent Settlement did not introduce any uniform system of tenure in the province. Priority was given to village zamindars in perpetual settlement but in jagirdaris and talukdaris the position was entirely different. In the jagirdaris the Government did not interfere and the whole arrangement more or less remained as before. In talukdaris the settlement was made with the talukdars who were left to assess the village zamindars either in proportion of their sadar jama or with some additional charges of management or according to the extent and value of the produce as local custom or the good will of the parties may direct.[2] The village zamindars, however, retained the right of disposing by sale of their own estate, subject of course to their payment of the usual jama to the talukdars.[3]

In cases where there were no hereditary zamindars or talukdars the region was given on lease to revenue farmers or amils. The position of such farmers was now wholly changed; their tenure had been neither hereditary, nor transferable, nor permanent, nor based on right but held from year to year at the mercy of Raja. By the Settlement Proceedings their tenure became permanent hereditary, transferable, and they became the chief proprietors of their estates.[4]

On the whole the settlement concluded under the new regulations consisted of engagements with the zamindars

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[1] Ibid

[2] Regulation II of 1795.

[3] Ibid

[4] Ibid

for about 8/12 of the country and of leases to farmers for about 3/12, while the remaining 1/12 continued unleased The revenue of these areas was to be directly collected by the amil from the raiyats, meaning thereby that these areas remained in the khas (direct) management of the Government [1]

The Permanent Settlement of Benares differed in some respects from that of Bengal In Bengal no survey was made but in Benares a rough survey was made In Bengal the settlement was always made with landlords or zamindars who had hardly any proprietary rights in the soil There was a good deal of difference of opinion on this point Philip Francis, Shore and Cornwallis regarded the zamindars as the proprietors of the soil, whereas Hastings and Grant considered them as revenue collectors The latter view was more in accordance with the Indian traditions According to Hindu or Muslim law no other than the cultivator could have a proprietary right to the soil The state was only entitled to a share of the produce Thus under the old traditions the zamindar could not have the proprietary rights of the soil and the right given to them by the Regulations of 1793 disregarded the rights of the cultivators The Benares Settlement was a definite improvement because it gave a perpetual right to the actual proprietors of the soil But it erred only in granting pattas to one of the numerous sharers, which in its after effects came very near to the Bengal system although it was not originally intended The amils were also retained in Benares contrary to the experiences in Bengal As will be seen later they under the designation of tehsildars were assigned police powers

Soon after the introduction of Permanent Settlement Duncan was appointed the Governor of Bombay, and he had to leave Benares on 20 August 1795 He therefore lacked the opportunity to see the working of the system and make improvements wherever necessary

The system as it stood may be subjected to many of the criticisms that have been applied to the Permanent

[1] Ibid

Settlement in Bengal. It may be said that it was a mere assessment of the revenue and not a settlement in the modern sense of the term. No attempt was made to record the rights of landholders as against one another; the status of the cultivators was not defined, the boundaries of the estates were not demarcated; and no attempt at a scientific survey was made. Duncan himself had realised that with the growth of cultivation boundary disputes would become frequent. It should be remembered that before leaving Benares for Malabar, Duncan had issued a circular that in case of boundary disputes between the restored zamindars, the right of tenure as held under the pattas by the parties should be suspended and the collection of the revenue from the raiyats within the disputed territory should be made directly by the Government till the merits of the case were decided.[1]

But it seems that he was not able to prevent boundary disputes. He wrote to Ross that "the trouble, now most felt in it [Benares], does in fact arise out of that prosperous state;—from this that the newly or lately restored zemindars being now become convinced of the permanency of their tenures, are daily excited & seeking to make encroachments on each others limits, the marks of which have in most places, lain so long neglected that no traces can often be found of them."[2]

From the point of view of the Government, the radical defect of the Settlement was that it fixed in perpetuity the revenue demand of a tract of country, the cultivation of which had fallen off immensely and the area of which had not been properly surveyed. It should be remembered that although Duncan had before him the area of cultivated lands in each pargana yet the assessment was made upon the pargana as a whole. Where three-fourths of a pargana was in cultivation, the amils had been asked to make a final settlement. In parganas where more

[1] Duncan's circular, forwarded by Government to Treves on 23 November 1792, included in Shakespeare's *Selections from the Duncan Records*, I, p 218.

[2] Duncan to Ross, 30 August 1794, Home Miscellaneous, Vol 741.

than one fourth was lying waste, the progressive increases of the assessment were not to extend beyond the first four or five years of the decennial settlement Moreover, the land revenue of the province was also very elastic at that time, having increased from Rs 3,544,335 in 1789/90 to Rs 3,786,302 in 1795 Therefore, a reservation of the right to assess waste lands when brought under cultivation should have been made by the Government

The landholders were, in certain ways, greatly benefited by its introduction They no longer felt the severity of the Raja's method of administration, the demand of the state from them was definitely limited and any increase in cultivation meant an increase of income to them without any increased demand from them But in other respects they gained anything but benefit from the introduction of the Permanent Settlement A great proportion of the estates in Benares were owned by large bodies of sharers and at the settlement, two or three representatives were chosen with whom the revenue was settled and to whom leases were granted These lessees, who were chosen by an arbitrary system of selection, without any regard to the wishes of those whom they were chosen to represent, were alone recorded as proprietors Where they managed the estate well no harm resulted from this arrangement, but where, as was too often the case, their management was bad, the rights of the other sharers in the village property, who had no voice in its management, were ruthlessly sacrificed at auction sales, carried out in order to satisfy the arrears of revenue due from the estate Therefore, the real blot upon Duncan's settlement was either the neglect to provide for the maintenance of the ownership of subordinate sharers after auction sales or, the policy of settling with only 2 or 3 arbitrarily chosen sharers But it should be remembered that these evils resulted not so much from the principles of the settlement as from the way in which they were carried into execution Duncan was opposed to the idea of auction sales for the realisation of the revenue It was at his suggestions that several methods prior to sale had been legally sanctioned by the Government The sale of land was

the last resort and it was to be carried out only with the approval of the Government[1]

But it seems that the other methods sanctioned by the Government were not employed and after the establishment of the collectorate of Benares in 1795, the sole process employed for the realisation of the balances of revenue was auction sale[2] Thus Duncan can be safely absolved of the blame of the sale of a large number of estates in Benares

To sum up, Duncan's settlement of 1795 was undoubtedly inspired by noble intentions He sought to ensure a stable revenue to the Government, to render the land holding class prosperous and loyal and to safeguard the interests of the tillers of the soil It is a fact that he introduced the Permanent Settlement strictly in obedience to Cornwallis Still there is evidence to suggest that he was aware of the important maxims of revenue policy He was convinced that security of tenure was the prime consideration in the improvement of agriculture That is why he insisted on the issuing of new and uniform pattas to the tenants His emphasis that payments should be made by instalment and that the assessment should be made on the basis of the mehal's capacity to bear indicate that he was aware of the economic thought of his time

It may even be suggested that Duncan in some respects was more farsighted than the administrators in Bengal The maintenance of qanungos in Benares, although they had been abolished in Bengal, was one of such acts Cornwallis contemplated the maintenance of a general register of landed rights, but he destroyed the machinery of rural administration The office of the qanungo was abolished, the amils or the collectors of the revenue were deprived of all coercive authority, the patwaris or village accountants were virtually transferred to the service of the zamindars In such circumstances, the maintenance of the record of rights of the tenants was placed at the

[1] Regulation VII of 1795
[2] Moira's minute, 21 September 1815, *Modification of the Judicial System in the Bengal Provinces*, (1815), pp 24-25

to a reduction in the cost of production as well as to an improvement in the quality of indigo

In pursuance of the above policy one Robert Heavens, a West Indian planter, was permitted to proceed to Bengal to cultivate indigo in 1787[1] In the same year John Borthwick Gilchrist, a surgeon in Benares, and a year later Ensign Charters, were permitted to start their cultivation and manufacture of indigo The permission given to these persons to start their plantations in the interior of the country was however contrary to the Company's accepted policy of not encouraging colonisation by the Europeans[2] Because of the weakness of the internal administration it was not possible to regulate the activities of the Europeans, who if allowed to settle might have developed their own trade and thus have jeopardised the interests of the Company's trade The misuse of authority by the Company's servants in Bengal was by then a known fact It might also be that the Company had learnt a lesson from the history of the American colonies If men born in Europe and accustomed to representative institutions had brought the ideas of such institutions to America and fought for such rights, it might well have been thought that freedom of colonisation in India would result in a similar situation It may well be that the Company's Government were fully aware of the fact that India with a large population offered little scope for colonisation All these factors might have influenced the decision of the Government but perhaps the most important motive may have been the safeguarding of the monopolistic interests of the Company But from anxiety to extend the cultivation and increase the export of indigo, such permission was granted to the settlers, but the Company were jealously guarding their interests, because as we shall see later, any such permission was subject to serious limitations

At the time when Gilchrist and Charters started their

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[1] Ibid

[2] Regulations for the Collectors of the Districts No 54 Consultation 8 June 1787 Bengal Pevenue Consultations Range 51 Vol 7, pp 421–422

indigo cultivation and manufacture, its production was not very popular in Benares, but was limited to a class of dyers (rungrez), and the cultivation was very often done on a very small scale In some of the parganas its cultivation was almost unknown After Gilchrist and Charters, other European planters followed suit But it was not very long before trouble began to take shape and it became evident that clash of interests between the planters and the local interests was inevitable In 1789 Kasim Beg, the amil of Ghazipur, complained to Duncan that Gilchrist and Charters had forced him to give them in farm a considerable extent of land to plant indigo On hearing of it Duncan ordered them to restore the lands to Kasim Beg, but as they pleaded that such a restoration would prove their utter ruin he did not insist on their compliance with his orders [1] Soon afterwards they complained to Duncan that Kasim Beg had given pattas to zamindars on very high jamas They stated that the rent or revenue which they themselves stipulated to pay to Kasim Beg proved too high to admit of their realising it They stated their loss on this account to be Rs 4,552 Kasim Beg on the other hand maintained that Gilchrist and Charters had taken the lands in farm voluntarily and therefore he could not be liable for their losses According to him the proper rent due on them came to Rs 4,822, which Gilchrist and Charters claimed should be Rs 2,266 Duncan on enquiry found that neither figure was correct He calculated the rent at the rate of Rs 4 As 12 per bigha, which was the average of the prevailing rates in 1187 Fasli (1779 80) and found that it should be Rs 3,187 [3]

Gilchrist and Charters were not satisfied with Duncan's recommendations and they addressed a letter to him for reconsideration of the matter Duncan referred it to the Government The Governor General intimated that their

[1] Duncan to Government, 16 November 1789, Consultation 27 January 1789, Bengal Revenue Council, Range 52, Vol I, pp 121-122

[2] Ibid, pp 125-126

[3] Ibid, pp 126 130

mercy of the zamindars and their officials[1]

Cornwallis had expected that freedom from revenue work would enable the Company's servants to pay greater attention to other branches of administration but he failed to realise that in a country which was mainly agricultural, it was in matters of land revenue that the administrators came in closest contact with the people[2] But Duncan had maintained not only the office of the qanungo but of the amil as well, who was now not the revenue farmer[3] but a salaried officer of the Company vested with revenue and civil jurisdiction Thus Duncan saved an institution the importance of which could be realised only after a lapse of time It is interesting to note that the qanungo system was revived in Bengal in 1819

Taken as a whole, Duncan's settlement seems to have had great merits A large permanent amount of revenue improved the financial position of the Company and consequently strengthened its administrative machinery

Duncan's settlement was followed by rural prosperity The settlement officers of 1840 were surprised at the general fairness and equity of the assessments made by Duncan with such an imperfect staff[4] Oldham in 1870 observed, "The wellbuilt and comfortable houses of the people, and the boundless extent of rich crops, bespeak general prosperity, while the massive ornaments of silver and gold worn by the tens and even hundreds of thousands of women, who may be seen at the Bullia fair, indicate the existence of much wealth widely distributed"[5] —a glowing tribute to Duncan's settlement indeed !

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[1] Gopal, S , *The Permanent Settlement in Bengal and its results* p 26

[2] Gopal S , *The Permanent Settlement in Bengal and its results* p 27

[3] Some of the amils had become zamindars

[4] Report of the Settlement Offi ers of 1840 included as Appendix IX XIV and XVIIA of Report on the revision of Records nd Settlement operations in the Ghazipur District (1880-1885)

[5] Oldham *Historical and Statistical memoir of the Ghazeepoor District* II p 175

(ii) *Indigo*

The manufacture of indigo had been one of the flourishing trades of India during the 16th and the 17th centuries The East India Company between 1664 to 1694 imported 1,241,967 lbs of indigo from Surat and Bombay to England, out of which nearly 510,093, lbs were obtained from Ahmedabad and the remainder from mainly Agra and Lahore By about the middle of the 18th century, the injunctions against the use of indigo were in most of the European countries removed,[1] and the demand for Indian products increased considerably, but the discovery of a source of the dye in America and the adulteration practised in India resulted in the decay of this trade However, the British West Indian colonists very soon found out that coffee, sugar and other products were more remunerative, and at the same time the severance of the American colonies from Britain left the British dyers at the mercy of foreign countries for their supply of indigo[2] With a view to revive the trade in indigo the East India Company commenced their investments in 1779 80, but they had to suffer a loss of nearly 30% upon which they decided to discontinue their investment in indigo At the same time they wanted to increase the export of indigo from India to Britain to meet the demands of the textile industry[3] So the Court of Directors in 1786 wrote to the Governor General to "make the possibility of making it a most valuable article of importation " Consequently the trade was opened to private individuals and the Company's servants who could send indigo to England in the Company's ships[4] It was expected that the opening of this trade to a large number of persons would necessarily lead to competition and consequently

[1] European rulers had prohibited the use of indigo because the large scale import of indigo by the Dutch East India Company after 1631 had ruined the woad (indigenous dye) growers and traders in Europe

[2] Watt G , *Dictionary of the Economic Products of India* IV, p 393

[3] Philips, John, Indigo , *Calcutta Review* 1858, pp 189 190

[4] Ibid

to a reduction in the cost of production as well as to an improvement in the quality of indigo.

In pursuance of the above policy one Robert Heavens, a West Indian planter, was permitted to proceed to Bengal to cultivate indigo in 1787[1] In the same year John Borthwick Gilchrist, a surgeon in Benares, and a year later Ensign Charters, were permitted to start their cultivation and manufacture of indigo The permission given to these persons to start their plantations in the interior of the country was however contrary to the Company's accepted policy of not encouraging colonisation by the Europeans[2] Because of the weakness of the internal administration it was not possible to regulate the activities of the Europeans, who if allowed to settle might have developed their own trade and thus have jeopardised the interests of the Company's trade The misuse of authority by the Company's servants in Bengal was by then a known fact It might also be that the Company had learnt a lesson from the history of the American colonies If men born in Europe and accustomed to representative institutions had brought the ideas of such institutions to America and fought for such rights, it might well have been thought that freedom of colonisation in India would result in a similar situation It may well be that the Company's Government were fully aware of the fact that India with a large population offered little scope for colonisation All these factors might have influenced the decision of the Government but perhaps the most important motive may have been the safeguarding of the monopolistic interests of the Company But from anxiety to extend the cultivation and increase the export of indigo, such permission was granted to the settlers, but the Company were jealously guarding their interests, because as we shall see later, any such permission was subject to serious limitations

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[1] Ibid

[2] Regulations for the Collectors of the Districts No 54, Consultation 8 June 1787, Bengal Revenue Consultations, Range 51, Vol 7, pp 421-422

indigo cultivation and manufacture, its production was not very popular in Benares, but was limited to a class of dyers (rungrez), and the cultivation was very often done on a very small scale In some of the parganas its cultivation was almost unknown After Gilchrist and Charters, other European planters followed suit But it was not very long before trouble began to take shape and it became evident that clash of interests between the planters and the local interests was inevitable In 1789 Kasim Beg, the amil of Ghazipur, complained to Duncan that Gilchrist and Charters had forced him to give them in farm a considerable extent of land to plant indigo On hearing of it Duncan ordered them to restore the lands to Kasim Beg, but as they pleaded that such a restoration would prove their utter ruin he did not insist on their compliance with his orders [1] Soon afterwards they complained to Duncan that Kasim Beg had given pattas to zamindars on very high jamas They stated that the rent or revenue which they themselves stipulated to pay to Kasim Beg proved too high to admit of their realising it They stated their loss on this account to be Rs 4,552 Kasim Beg on the other hand maintained that Gilchrist and Charters had taken the lands in farm voluntarily and therefore he could not be liable for their losses [2] According to him the proper rent due on them came to Rs 4,822, which Gilchrist and Charters claimed should be Rs 2,266 Duncan on enquiry found that neither figure was correct He calculated the rent at the rate of Rs 4 As 12 per bigha, which was the average of the prevailing rates in 1187 Fasli (1779 80) and found that it should be Rs 3,187 [3]

Gilchrist and Charters were not satisfied with Duncan's recommendations and they addressed a letter to him for reconsideration of the matter Duncan referred it to the Government The Governor General intimated that their

[1] Duncan to Government, 16 November 1789, Consultation 27 January 1789, Bengal Revenue Council, Range 52, Vol I, pp 121-122

[2] Ibid, pp 125 126

[3] Ibid pp 126 130

order of 6 August 1788, permitting Gilchrist and Charters to hold land was issued upon two suppositions, that they did not hold any land in farm, and also that they held only raiyati pattas for such lands as were required for indigo plantation, from the zamindars or renters at the established rates of the parganas The Government remarked that allowing Europeans to hold lands in farm was contrary to the general regulations, and therefore directed that they should be dispossessed of these lands if they were still in possession of them [1]

The Government were conscious of the fact that the extension of cultivation and manufacture of indigo under proper regulations might be beneficial for the Company as well as the country On 27 January 1790, the Government therefore ruled that European planters might be permitted to hold land on raiyati pattas for the cultivation of indigo and might also advance money to such raiyats as were willing to enter into contract to supply indigo Under these terms Gilchrist and Charters were permitted to continue their business if they so wished [2]

Duncan forwarded a copy of the Government's order to Gilchrist and Charters with an intimation that he was willing to carry them out in such a manner as would be least disagreeable to them He advised them to relinquish their farm voluntarily because he felt that his orders to the amil to deprive them of it would tend to prejudice their prestige in the eyes of the local people Gilchrist and Charters accepted Duncan's advice, and wrote a letter to the amil of Ghazipur relinquishing their farm The amil forwarded their letter to Duncan, who instructed him to assist them in all just matters relating to the manufacture of indigo [3]

Similar disputes were very common in Ghazipur dis-

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[1] Government to Duncan, 27 January 1790 Consultation 27 January 1790, Bengal Revenue Council, Range 52, Vol I, pp 412-413

[2] Ibid, pp 413-414

[3] Extracts from the proceedings of the Resident at Benares 7 February 1790 Consultation 10 March 1790, Bengal Revenue Council, Range 52, Vol 6, pp 1089-1094

trict, but Duncan's ability and firmness of character did not permit the situation to get out of hand. However, during his absence in Malabar, Treves, the acting Resident, had to face a very awkward situation. In 1793 there was a dispute between the zamindars and the koeries of Amghat.[1] The zamindars accused the koeries of refusing to pay their revenues according to the established rates while the koeries denied the truth of the accusation. Treves asked the amil and the qanungo to enquire into the matter but before they could do anything the dispute took a serious turn because of the interference of Gilchrist and Charters on the one hand and Scott, another indigo planter, on the other. There was a serious affray between Gilchrist's and Scott's men, when the latter tried to plant indigo in the Amghat which Scott had taken on rent from the zamindars.[2]

Treves referred the matter to the Government. He also complained against the style in which the indigo planters corresponded with him. He wrote that "It is unnecessary for me to point out the very indecent style in which they write and as they frequently have been guilty of the same I trust your Lordship in Council will issue such orders as you may deem most proper to prevent the like insult in future, and shall only remark, that their disputes since they have been in this zemindari have been the cause of more trouble to the Resident and myself, and have taken up more of our time than it is possible for men in our situation to suffer without detriment to more important duties of this station."[3]

In view of such disputes involving Europeans, the Governor-General-in-Council passed a regulation on 7 March 1794 that no European should be allowed to acquire or lease any landed property in Benares, exceeding what

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[1] Treves to Government, 5 September 1793, Consultation 7 March 1794, Bengal Revenue Council, Range 53, Vol 1? pp 361-365

[2] Ibid

[3] Treves to Government 6 September 1793, Consultation March 1794, Bengal Revenue Council, Range 53, Vol 1 pp 464-465

might be sufficient for the erection of houses or buildings for carrying on the manufacture of indigo[1]

On the receipt of this order the indigo planters presented a memorial to Duncan, who had by then returned to Benares They requested him to transmit it to the Governor General in Council, 'together with such remarks thereon stated as may be agreeable to your own knowledge With a view to gain sufficiently reliable information Duncan issued a circular parwana to the qanungos of several parganas asking them to inform him within ten days of 'the former and present state as well as concerning the future prospects of the cultivation of indigo so as to form a judgement in what manner it may be best conducted in consistence with the good will of the ryots'[2] On the basis of their replies he sent a report to the Governor General in Council on 10 May 1794[3] This report clearly reveals Duncan's views with respect to indigo plantations He seemed to believe that indigo cultivation and manufacture by Europeans was very likely to contribute to the improvement of the country 'as well by bringing waste land into culture as by affording a provision for a number of the more indigent and helpless of the community either as a plough man weeder or in the other various denominations of labourers that were required for the respective manufactories Considering the object in this light combined with the advantages thence also likely to result from the advancement of general commerce and of course the prosperity of the mother country[4]

In spite of a number of disputes and the apathy of the middle and superior classes of Indian society towards European settlers which might have been induced by

[1] Government to Duncan 7 March 1794 Bengal Revenue Council Range 53 Vol 13 p 1236

Duncan s circular parwana to the qanungos 19 April 1794 included in Shakespeare s *Selections from the Duncan Records* II pp 189 190

[3] Duncan to Government 10 May 1794 Consultation 23 May 1794 Bengal Revenue Council Range 53 Vol 16 n p

[4] Ibid

political, religious or any other causes, he was convinced that at least in a few cases such plantations had actually benefited the people concerned and "whether from the high premium generally given by Europeans for the hire or rent of the native landholders' grounds or from the personal distress of some of the latter, or prompted by the family dissensions among joint partners in the same estates, or from whatever other causes and motives it was certain that several Amils and Zemindars or farmers of villages appear to have since been induced not only to let out spots of ground for tillage within their tenures and estates to English gentlemen, but in some instances to have offered, and to have actually conceded to them, in farm, the revenue concerns and the consequent management of entire villages'[1] As the farming of the revenue by European settlers was prohibited, Duncan did not permit any planter to enjoy this privilege, but offers of such a nature by the amils or the zamindars were a clear proof that the plantations were not always regarded with suspicion by the local people Duncan, however, was conscious of the fact that certain evils had sprung from the growth of manufacture of indigo but he ascribed these more to "the abuse than to the fair use of the original permission to cultivate" and felt that amendments could be made in the system "without tearing up the institution by the roots"[2]

The principal abuses in indigo cultivation according to Duncan consisted in the injury done to the raiyats by obliging them to remove their homes or to shift their cultivation to new sites and in the occasional use of force by the servants of the European planters "for pressing labourers, or forcibly stopping Bhusa [straw] wanted for their cattle, as it was being brought to market, or in cutting down trees required for their manufactories without the consent of the owners or in some instances, without paying them a fair price for the timber"[3]

With a view to providing some immediate remedies

[1] Ibid
[2] Ibid
[3] Ibid

against the above hardships he proposed some regulations and submitted them to the Government for approval[1] He recommended that no land was to be validly assignable by any amil, zamindar or farmer for the culti vation of indigo to any national born British subject or European without the sanction of the Resident Such sanction was not to be given by the Resident until the party desirous of acquiring lands produced deeds of Razi nama (agreement) from "Khudkast and occupancy tenants that they were satisfied and content that the field in question be cultivated with indigo Any planters or their servants seizing Bhusa or other property of the rai yats should be liable to trial in the Faujdari court The servants of the planters should also be punished if they attempted to press or forcibly carried away for their mas ters' service any artificer or labourer British subjects desirous of purchasing trees were to apply for them to the amils of the district who were to furnish the applicants with the required timber at reasonable rates These regulations were calculated to check the prevailing abuses which Duncan had noticed With a view to providing greater facility of enquiring into and settling the frequent disputes and complaints with respect to indigo cultivation he recommended that the planters should be required to keep always in the Resident's kachahri "well informed Vakeels on their respective parts properly authorised and instructed to deliver competent answers to and explanations in the Hindoee forms, of such allegations as may from time to time be made by the natives against their constituents or their servants, since otherwise it cannot be expected that the grounds of such complaints can for the most part admit of being satisfactorily elucidated by mere epistolary correspondence in English between the Resident and the parties whose acts are thus appealed against '[3]

After considering the memorial by the planters and Duncan's suggestion the Government passed certain re-

[1] Ibid
[2] Ibid
[3] Ibid

solutions on 23 May 1794 and directed the Resident to afford every encouragement to indigo planters to contract with the raiyats for indigo by either bigha or bundle The two prevailing systems of indigo cultivation were either personal cultivation by settlers or by contract In the system of contract, which was more common in Bengal, the planters were to enter into contract with the cultivators for the supply of raw indigo For initial expenses they were usually required to pay advances as in case of opium cultivation[1]

In addition to the suggestions made by Duncan the Government resolved that all existing leases of lands for the purpose of cultivating indigo actually and bonafide obtained before the 7 March 1794 by any European will be allowed to remain in force until they expired, provided their term did not extend beyond the period of the decennial settlement But all leases obtained directly or indirectly by Europeans, in their own names or in those of others, since 7 March 1794 were to be declared null and void, and the lessees were to be immediately dispossessed[2] After the expiration of the last year of the decennial settlement, no European was to be permitted to rent or hold land directly or indirectly This rule, however, was not to extend to lands not exceeding 50 bighas which Europeans were permitted to purchase or rent for the purpose of erecting dwelling houses or buildings for carrying on manufactures provided that they previously obtained the sanction of the Government This clearly shows that the Government were not opposed to the manufacture of indigo by European planters but that they favoured the system of contract, to reduce the interference of the planters or their agents in the life of the cultivators, and also to reduce the chances of disputes between the revenue authorities and the planters, because such actions might have made an alien rule more unpopular in the eyes of the people Every indigo planter was to sign and personally engage to adhere to the above

[1] Government to Duncan 23 May 1794, Consultation 23 May 1794 Bengal Revenue Council Range 53 Vol 16 n p
[2] Ibid

articles. On the first breach of the regulations he was to pay a fine of Rs. 500 and on the second he was to be dispatched to Calcutta, which in essence meant that he was deprived of all his properties in the interior of the country.[1] It may however be noted that inasmuch as the decennial settlement was afterwards declared perpetual the time specified for the Europeans to surrender their lands in the Government regulations never arrived, and consequently Europeans continued to hold land in Benares.

In pursuance of the Government's order Duncan notified the terms under which the Europeans could contract with *pattadars* for raising indigo. He notified that only the pattadars of the Government or, in amani grounds, the amil, were competent to make contracts with Englishmen. The pattadars were not to let out the grounds of the 'Chupperbund' (settled) raiyats for indigo cultivation without their consent. No khudkast raiyat or pattidar (coparcener) could contract with Europeans for the cultivation of indigo without the permission of the pattadars (with whom the settlement was made) of the Government.[2]

But Duncan had to modify these terms because of the representations of the indigo planters. He permitted the planters to conclude contracts without the consent of pattadars either with 'Chupperbund' raiyats or with such of the pattidars whose pattis (shares) or portions of tenure had been divided off and were distinct and separate from the pattidars' own immediate cultivation. It was also expressly provided that the indigo crop on such grounds would at all times be considered as a collateral security to the pattidars for the rent of the ground that was due to them from the contracting pattidar or raiyats.[3]

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[1] Ibid

[2] Extracts from the proceedings of the Resident at Benares, 12 July 1794, Consultation 26 September 1794, Bengal Revenue Council, Range 53, Vol. 20, pp 607-608.

[3] Duncan to Government, 29 July 1794, Consultation 26 September, 1794, Bengal Revenue Council, Range 53, Vol. 20, pp 546-547.

of the agency system which was then prevalent in Benares But before that the Government wanted to ascertain if the mode of contracting for opium was inconvenient to the raiyats, and whether the evils of the contract system were also present under an agency system Were the cultivators at liberty to dispose of their produce as they wished? If not, what would be the effect of authorising them to do so? How far were these changes likely to bring about an enhancement in rent for the opium lands and what would be the consequent increase in revenue? Finally, the Government desired to know how the living standards of the opium raiyats compared with those of the other raiyats [1]

Duncan referred this matter to Ramchand Pandit, who had extensive experience as an opium agent in Bihar and Benares The Pandit's observations and answers were deemed to be so full, accurate and relevant that Duncan submitted them all to the Government He was fully convinced that as long as the provision of opium for the Company was to be continued it could hardly be better conducted than under the circumstances and regulations pointed out by the Pandit [2] Ramchand Pandit, after explaining the evolution of the system of contract that was then prevalent in Bengal and Bihar and its defects, pointed out that a continuation of the agency system in Benares would be beneficial to the cultivators The system of contract had been introduced into Bengal and Bihar by Warren Hastings in 1773

Under it the exclusive privilege of collecting opium from the cultivators was given by the Government to one person in the capacity of opium contractor It was stipulated that he would deliver to the Company's godown the entire amount of opium so collected, to be paid for at a certain rate per maund or chest In case of failure to fulfil the contract he was liable to pay a heavy fine The contractor received an advance from the Company so as

[1] Ibid

[2] Duncan to Government, 16 July 1788 Consultation 6 August 1788, Bengal Revenue Consultations Range 51, Vol 22 pp 415-418

to enable him to advance some money to the cultivators Such advances were given to assist the growers with the money which they needed as initial expenditure and to bind them with an obligation to produce and supply at least the quantity stipulated at the time of the advance

This system of contract exposed the cultivators to exploitation by the contractor who was now a monopolist The cultivators in many cases were forced to increase the area under poppy cultivation beyond their means and convenience In some cases zamindars who were unwilling to let their tenants cultivate the poppy bribed the contractors, who would then not enter into contract with the cultivators in such villages inspite of the cultivators' willingness to enter into agreements for supplying opium This naturally meant a loss of income to the cultivators as well as to the Government When the agents of the contractors went to the villages to measure the poppy lands and estimate the produce they usually gave a lower estimate of the yield of such cultivators who offered some illegal gratification, but a much higher estimate in the case of those who could not offer any bribe In such a situation the cultivators in the first case were in an advantageous position because they were left with a surplus which could be sold in the market at a profitable rate but the others had to face serious difficulties in supplying the requisite amount Besides these difficulties the cultivators also suffered at the hands of the 'dandidars', or weighmen, who used to take wrong measurements and defraud the cultivator of his fair share of income Ramchand Pandit felt that such defects could be remedied under the agency system which then existed in Benares Under this system the contractor was replaced by an agent (an officer) of the Company Otherwise the arrangements of the advances to the raiyats and other internal details continued as before The difference was that these advances were distributed by the agent instead of the contractor and the agent was not under the obligation to collect a fixed amount In fact, in case of a very high collection he was sure to receive appreciation from the Government, but in case of a low collection he had

not to undergo any economic loss as in case of the contractor. Naturally the agent was not compelled to harass the cultivators if sufficient quantity was not forthcoming [1]

He thought that an opium raiyat under an agency was happier than an ordinary raiyat because the opium agent was a protection to him against the undue exactions of the collectors of revenue As the contractor had to procure a certain number of chests within a stipulated period, his main concern used to be the provision of the required amount even at the cost of the raiyats If he failed to provide the stipulated quantity he could be severely fined The Pandit suggested certain devices for the protection of the opium raiyat One was to give a liberal price to the contractor and not to be guided merely by the lowest price quotations, the second was to fix the price to be paid to the raiyats as near as possible to the price paid to the contractor, the first was intended to give a sufficient margin of profit to the contractor so that he need not harass or exploit the raiyats, and the second to give adequate return to the cultivators [2] He also suggested that no raiyat should be obliged to cultivate the poppy against his will He further opposed the idea of allowing the raiyats to sell the opium to individuals because he felt that both the quality and quantity of the produce would suffer Moreover, any such liberty would not result in enhancement of rent because the tenants would not consent to any such increase [3]

Besides forwarding Ramchand Pandit's recommendations to the Government Duncan also forwarded to them the rates paid for opium lands which varied from Rs 4 to Rs 8 per bigha according to the quality of the soil He informed the Government that he proposed to advance Rs 15,000 to the raiyats during the current season for the provision of opium for the ensuing year He also agreed with the suggestion of Ramchand Pandit for the

[1] Enclosure in Duncan s letter to Government of 16 July 1788, Consultation 6 August 1788, Bengal Revenue Consultations Range 51, Vol 22 pp 418-445

[2] Ibid

[3] Ibid

better management of the opium business that a "gentleman of *feeling heart and good understanding*" be appointed to manage it as agent, and not by contract Advances should be given to only those raiyats who were willing to cultivate the poppy in their fields The 'dandidars' who held the scales should no longer do so when the opium was weighed, the scales should be pitched fairly in the ground [1] The weight should be taken openly according to the rate agreed upon, in the raiyat's presence in order to give him confidence He also recommended that the raiyats should never be let off without punishment when they were detected either delivering the poppy juice in an adulterated state or disposing of it elsewhere [2]

He tried to remove the undue hardships imposed on the cultivators of opium by the practice of exacting 'battas' on the payments made to them It was the usual practice to take a discount of eight seers per chest. This discount fell heavily upon the cultivators of opium He therefore authorised the agent to reduce the surplus weight hitherto taken, from eight to two and half seers and to pay the cultivators in real Benares Sicca rupees [3] He informed the Government that these two articles would enhance the price from Rs 150 per chest of two maunds, as originally proposed by the agent when the agency was settled in his favour, to Rs 180 or Rs 190 per chest but he hoped that the Government should approve of it in consideration of the relief afforded to the raiyats and the encouragement given to the cultivation of so valuable an article by these means [4] He also changed the ware houses for the manufacture of opium from Ghazipur to Benares, so that he could exert an effectual control over its preparation He had to incur some additional ex

[1] Duncan to Government, 16 July 1788, Consultation 6 August 1788, Bengal Revenue Consultations, Range 51, Vol 22 pp 416-417

[2] Ibid

[3] Duncan to Government, 2 January 1789, Consultation 21 January 1789, Bengal Revenue Consultations, Range 51, Vol 31, pp 637 638

[4] Ibid

penses because of this change but hoped that it would be compensated by the superior quality of opium manufactured there.[1]

In spite of his suggestions for the continuance of the agency system the Government in 1789 replaced it by the system of contract, which was prevalent in the Company's other provinces. This was done in order to bring Benares into line with the other provinces. The contract for Benares opium was given to J. Williams, a surgeon in Benares, for four years.[2] The quantity of opium to be prepared in Benares was fixed at 700 chests.[3] But later at Duncan's suggestion it was reduced to 500.[4] Duncan felt that if this amount was pitched at a high level, the contractor and the raiyats might well be forced to have recourse to the illegal practices prevalent in Bihar and Bengal. To give an incentive to the contractor to procure more opium than the contracted quantity, it was provided that he should receive 50 Sicca rupees for each additional chest supplied over and above the stipulated quantity.[5] The contractor was not permitted to import opium from the Company's provinces of Bihar and Bengal. But he was allowed to import opium from the territories of the Nawab Vizier of Oudh on payment of a duty of 2½%, as arranged by the Commercial treaty of 1788.[6]

To safeguard the monopolistic rights of the Government which were vested in the contractor for a specified

period, it was ordered in February 1790 that all British subjects acting contrary to the regulations limiting the provision and manufacture of opium to the public contractors, should upon proof of the offence, forfeit the Company's protection, and be sent to Europe[1] Any Indian guilty of similar offence should be subject to a fine of Rs 375 (sicca) per maund, for every maund of opium which he might have illegally provided One half of the above fine was to be paid to the informer, and the other half to the Government[2]

The judge of the Mulki Adalat sought Duncan's instructions in cases where there was no deficiency in the delivery of the contracted opium, while the raiyat had at the same time sold opium to other people He pointed out that this circumstance of the sale of an additional quantity might arise in three different ways it might be the produce of the current year but beyond and above the estimate, it might be the produce of former years, or it might be the produce not of the seller's cultivation but of his purchases from others in the way of trade This was not specially provided for in the Government regulation Duncan therefore laid down that where the quantity sold to others above or beyond the estimate, was the produce of the current year, the seller should be subject to a fine of 4 sicca rupees per seer for so much as he had thus sold with confiscation of opium where it could be found and a fine of 10 sicca rupees per seer where it could not[3] He felt that it was the duty of the opium grower to deliver all his produce of the current year to the contractor for the prices fixed by the Government He also provided that in case the quantity sold to others was the produce of former years or purchased from others in the way of trade, the seller was to pay a fine

[1] Resolution of the Board 19 February 1790 Consultation 19 February 1790, Bengal Revenue Council, Range 52, Vol 6 pp 165-166

[2] Ibid

[3] Extracts from the proceedings of the Resident at Benares 18 May 1790 Consultation 28 May 1790, Bengal Revenue Council, Range 52, Vol 12, pp 164 167

of Rs 325 per maund[1] All these regulations were intended to chack the smuggling of opium out of the Company's domain Any such sale or purchase might have affected the Company's profit The appearance of competition in buying would have increased the purchase price at the same time as it reduced the amount available for Company's export These rules were approved by the Government on 28 May 1790

On June 19, 1792 Duncan reported to the Government that the contractor in his discussion with the judges of the several courts had referred to a Government Proclamation of 4 March 1791 for preventing all prohibited dealings in opium According to this Proclamation illicit purchasers of opium were to be subject to the same penalties as contraband sellers Duncan felt that this regulation was meant for Bihar and Bengal which might explain why he had not been furnished with it, but as its tenor and spirit applied to Benares, especially with regard to smuggling he instructed the courts to enforce it[3] Duncan's action was approved by the Government and the operation of the Proclamation was extended to Benares

In April 1793, the Government invited proposals for the provision of opium in the Provinces of Benares, Bengal and Bihar, as the present engagements were due to expire on the 31 August 1793, and also published the conditions under which the contract for the provision of opium was to be held[4] In Benares the contract was to be for four years as in the case of Bengal and Bihar and the contractor was required to deliver annually six hundred chests of two maunds each The experience of past few

[1] Ibid

Duncan to Government 19 June 1792, Consultation 29 June 1792, Bengal Board of Revenue Proceedings Range 89, Vol 16, n p

[3] Ibid

[4] Advertisement by Government, Consultation 26 April 1793, Bengal Public Council (Opium), Range 98, Vol 28, pp 48-49

years under Duncan's arrangement had shown that a greater quantity (than 500 chests as agreed in the last engagement) could be collected It was also provided that the contractor would receive 50 sicca rupees per chest for every chest of opium delivered over and above the stipulated quantity But there was always the danger that in the quest of larger profits the contractor might compel the raiyats to produce more It was therefore provided that at the sowing season the contractor or his agent was only to take engagements from the cultivator for the specific number of bighas to be cultivated, and not for the specific quantity of opium to be produced in those bighas[1] When the poppy was full grown the contractor was to depute his agent who with the help of two or three creditable cultivators should have a look at the crop and fix the quantity for which the cultivator was to make engagement In the event of failure of crop due to any calamity the resident was to depute an amil on an application from the contractor to ascertain in conjunction with the agents of the contractor and the raiyats the actual extent of the loss The contractor was to pay to the Company a penalty of 300 sicca rupees per chest for every chest of opium short of the stipulated quantity, but if the whole or any part of such deficiency was occasioned by hail storm or any other calamity of the season affecting the crops, the contractor was not to be subject to the penalty The contractor was to deliver to the Company or their agents all the opium which he might be able to provide and to pay a penalty of 750 sicca rupees for every chest of opium that he might sell, barter or otherwise dispose Punishments were also provided for cultivators who failed to deliver in the full amount which they had agreed to provide The contractor was to be amenable to the mufassil and sadar courts of justice in all matters relating to his contract[2] Since the proposal made by Gilchrist and Charters was the lowest the Government gave the

[1] Ibid, pp 98-101
[2] Ibid pp 95-111

contract for Benares opium to them[1] It seems that illicit trade in opium was continuing in spite of the Proclamation of 4 March 1791. Therefore, at the request of Gilchrist and Charters and with the concurrence of Duncan, the Government ordered the republication of the Proclamation of 4 March 1791

Duncan's rules suggest that the welfare of the raiyat was uppermost in his mind Doubtless he endeavoured to obtain for the Government maximum profits, but never at the cost of the raiyats He believed in contriving to bring prosperity both to the Government and the people, and these efforts not only revealed his administrative skill, but also his humanity and concern for the cultivators He laid special emphasis on the purity of opium and under him the quality of the Benares opium improved considerably Benares opium fetched a higher price in China than Bihar opium[3]

Although he was opposed to monopolies in general, he strongly advocated the retention of the Company's monopoly of opium He wrote to the Government, "it appears to me that the carrying on the opium business as a monopoly is the best mode, as well for the raiyats as for the preservation of the quality and the good of the country at large, including the advantage of the Company for, first, it is certain that the raiyats now receive the same price, as when the trade was free and open, as although they had, now and then, a possible expectation of raising the price, they must as often have been under apprehension of its falling, added to which they had the trouble of looking out for a purchaser, whereas now that they are sure of getting their advances from the Company, at any time they like between Kartick and

[1] Resolution of the Board 28 June 1793 Consultation 28 June 1793 Bengal Public Council (Opium), Range 98, Vol 28, p 185

[2] Resolution of the Board 14 July 1794 Consultation 14 July 1794 Bengal Public Council (Opium), Range 98, Vol 28, n p

[3] Extract from the proceedings of the Board of Trade in Opium Department 19 May 1795, Consultation 1 June 1795, Bengal Public Council (Opium), Range 98 Vol 28 n p

Phangun and deliver the commodity from Cheyt to Sawun, without paying any interest or premium what ever, on their advances, without having any solicitude about the rise or fall of the prices, or about their securing a market, not to dwell an what they find a great advantage viz the protection they experienced from the opium agent against the amindars and their other tax gatherers, all these circumstances combined, shew that the mono poly of opium is in fact no hardship or evil on the Raiyat and that it tends also to keep up the quality of the commodity seems to follow from this, that when the trade was free and open, the Pykars greatly adulterated it as hath been above shewn and the western merchants being all satisfied with that of a debased quality, these circumstances kept always much inferior opium in the markets which is not the case at present, but would be again most probably so, were the trade laid open, and once generally debased it is no easy matter to restore the quality "[1]

On the whole, Duncan seems to have worked well in this limited sphere As a specified number of chests were to be supplied by the Province of Benares, he always attempted to do so with least injury to the raiyats In his time the actual supply of opium increased from 500 to 600 chests without putting any strain on them He was convinced of the inherent defects of the contract system and was an advocate of the agency system But when his recommendations in this connection were ignored by the Government, he turned to regulating the activities of the contractors, so as to safeguard the in terest of the cultivators It may however be noted that subsequent events indicated that Duncan was right, and the Company had to revert to the agency system in 1799

(iv) *Tariffs*

Situated at the conflux of the Gomati and the Ganges and containing the passes which form the most con

[1] Duncan to Government 16 July 1788 Consultation 6 August 1788 Bengal Revenue Consultations Range 51, Vol 22 pp 440–441

venient communication between the north and the south of India, the province of Benares was the natural centre of her trade Merchants from all parts of India therefore flocked to the province. The raw materials of the finest cotton manufactures were brought from Central India and the Deccan to the town of Mirzapur, which served as a general mart[1] "There also were conveyed the beautiful muslins and silks of Bengal, the shawls of Cashmir and the various woollens of Europe and the Senasees who are equally distinguished by their religious opinion and their mercantile honor [Sic] constitute a line of commercial intercourse that connects the cities of Bengal with those of the Deccan The merchants from Lahore and the higher branches of the Indus supply the markets of Benares with the few manufactures which are furnished by the territories of the Seiks and the more distant empire of Abdalla"[2]

The commerce of Benares, after the expulsion of Chait Singh, decayed as a result of double taxation, numerous illegal exactions, wayside robberies and ill treatment of merchants by the officers of the Raja Warren Hastings was quite conscious of these difficulties and he made certain regulations in 1781 and 1784 for the guidance of the Raja in the collection of customs duties, but most of them were disregarded and remained a dead letter affecting adversely the commerce of the province[3] When Cornwallis became Governor General, he asked Barlow to enquire into the causes of its decline and suggest remedies Barlow went into the details of the matter and made a number of recommendations for the revival of trade

As may be gathered from Barlow's report, most of the orders issued by Hastings to Raja Mahip Narain were almost disregarded Hastings had ordered in 1781 that

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[1] Report by Beaufoy on the measures adopted by the Governor General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786 Home Miscellaneous Vol 379, p 186

[2] Ibid p 187

[3] See Chapter II

Beya, or weighing fee at the mart of Mirzapur, which was being farmed by the collector of customs there. The other tax was Ghardiwari or Khanashumari a house tax or a shop tax, which the merchants had to pay to the collector of land revenue.[1] In addition to these duties a large number of Chura (sundry) stations had been established solely for the purposes of "collecting the duties on grains and sundry other trifling articles, bought and sold, in the internal parts of the country," but "all other kinds of merchandise whether for foreign or inland consumption are obliged to a duty on passing any of these stations".[2] Such inland transit duties at each place were trifling, but it was so frequently repeated that the total amount collected from the merchant before the goods arrived at the place of their destination, became a great burden upon his trade. The Zamindari duties[3] which were repeatedly prohibited by the Government, were still continuing in Benares and in case the merchants refused to pay such illegal exactions, their merchandise or personal belongings were seized.[4]

The Sanyasi merchants were subject to some inconvenience and illegal exactions peculiar to themselves. Since the days of Balwant Singh the Raja had farmed the collecting of duties on gold under the name of *Sonamehal*. Initially the Sonamehal was created for taxing the bullion brought by Sanyasis from Nepal. The Nepal trade was, however, abandoned by the Sanyasis after 1763 as a result of the seizure of the property of some leading Sanyasi merchants in Nepal by the Gurkha Raja Prithwi Narain. Therefore, the import of bullion stopped, but "the farmers of the duties by

[1] Duncan to Government 25 February 1788, Consultation 26 March 1788 Bengal Public Council Range 3 Vol 34 pp 669-693

[2] Barlow's report 24 August 1787 Consultation 26 December 1787 Bengal Public Council Range 3, Vol 30, pp 693 697

[3] Such duties were collected by the Zamindars and the amils for giving protection to the merchants from robbers in their areas

[4] Barlow's report 24 August 1787 Consultation 26 December 1787 Bengal Public Council Range 3 Vol 30 pp 693 697

a perversion of the institution of the office obtained permission to levy a tax upon all specie remitted by the Sunnassees through the banking houses of Benares'[1] A considerable part of their imports from Nagpur and the Deccan were in the shape of specie This was remitted from Benares to Murshidabad for purchasing fresh merchandise Under the new arrangement the bankers were forbidden to grant bills to the Sanyasis except through the Sonamehal When a Sanyasi was desirous of taking up a bill on Murshidabad, he had to apply to the farmer who settled the exchange rate privately with the bankers and then charged the merchant according to the rate he could bargain from him This put an additional burden of 1% on these merchants and was highly resented "

They were subject to an additional tax of Rs 6 As 4 on all boats hired to transport their goods from Mirzapur to Bengal The practice was that the Sanyasi merchants could use only such boats as were arranged by the customs officials This was a further source of inconvenience because they were thus debarred from hiring their boats on competitive prices Another duty of As 6 per bullock cart was collected at Hullia on goods exported from Mirzapur to Nagpur On the weighing of their silk they were obliged to give 35 skeins per bullock to officers of the customs A further fee of Rs 1 As 4 was collected on searching their boats At the same time they were forced to buy or sell only through the Dalal (broker) appointed by the authority of the Raja This monopolistic position of the Dalal gave him every opportunity to dictate terms very unfavourable to the Sanyasis They were also forced by the Daroga of the Mirzapur customs not to purchase cotton from any other than the Deccan merchants This action on the part of the Daroga was actuated mainly because of jealousy as the Sanyasis had a separate custom house at Benares and thereby evaded his jurisdiction Another

[1] Ibid pp 657 659
[2] Ibid

source of inconvenience and insecurity to the merchants was the refusal of the Kotwal (Police Officer) of Mirzapur to protect their properties from robbers[1]

Barlow thought that the multiplicity of duties and the corrupt system of assessment and levy not only adversely affected the commerce of Benares but also proved "highly detrimental to Bengal in diminishing the demand both for its own manufactures as well as for the export from Europe Before the goods can reach the inland parts of the country, the price is so enhanced, by the repeated exactions and additional charges of transportation, that the generality of the inhabitants cannot afford to purchase them and the merchant disappointed in one adventure, of course, gives up a trade in articles for which he finds there is no demand, or upon the sale of which he must incur a loss The ruin of the merchant is followed by that of the manufacturer, the cultivator and the numerous classes of people, to whom commerce gives employment and lastly that of the state itself"[2]

Above all, the absence of a court of appeal in disputes between merchants and customs officials added further difficulties The collection of the customs and the redressing of the injuries done in the course of collection were both in the hands of the Raja or his agents Justice in such circumstances seemed unlikely[3]

To safeguard trade Barlow submitted several recommendations relating to methods of assessment, rates of duty and various other related matters He recommended that the duties on imports into Benares for immediate export and for internal consumption should be reduced to 2½% and that the duties on the export and the inland trade should be continued at the rate of 5%[4] Such a recommendation was intended to give encouragement to the export trade in commodities manufactured in Bengal and Bihar as well as imports from Europe It may however, be noted that the second part of the

[1] Ibid pp 659-661
Ibid pp 699-700
[3] Ibid pp 662 663
[4] Ibid pp 694-695

recommendation went against the interests of the manufacturers of Benares because the goods from Bengal and Bihar were to pay only 2½% duty whereas Benares goods sold even in the Zamindari of Benares were required to pay 5%. It was also recommended that all goods imported from Bengal and Bihar into Benares whether for immediate exportation or consumption should pay the duties on the basis of the price inserted in the Company's Rowana (pass) and a reciprocal treatment should be given to the exports from Benares. He also suggested that a similar arrangement be made with the Nawab Vizier of Oudh.[1] To ascertain the value of the exports from Benares he recommended that the Raja should make it obligatory for all persons applying for Rowanas to exhibit an invoice of their goods; upon this invoice the duties were to be levied, after which it was to be returned to the merchants with the Raja's seal affixed.[2] He also recommended that the Deccan merchants should, upon their arrival at Mirzapur, be required to "give an account of the price of the goods and upon which the duties must be levied."[3] To guard against deviations from the above regulations and to give adequate protection to the interests of the merchants, he recommended the appointment of a Resident's assistant to be stationed at Mirzapur.[4] He also recommended the establishment of a court of justice at Benares for taking cognizance of all commercial matters.[5]

The Board considered Barlow's recommendations on 26 December 1787 and told Duncan "to carry them into effect" so far as they related to the Zamindari of Benares. Duncan, however, had already taken steps to reduce the rates of duties and to safeguard the interests of the Sanyasi merchants as suggested by Barlow's report. He had already ordered the enforcement of the regulations passed in 1781 and 1784 by which all silk and silk

[1] Ibid, pp 702-703
[2] Ibid, pp 705-706
[3] Ibid, pp 707-708
[4] Ibid, p 714
[5] Ibid, pp 719-720

piece goods were to pay duty at the rate of 2½% only[1] This reduced duty as well as the full 5% on cotton piece goods were paid by the Sanyasi and Iraki merchants on the valuation in the Company's Rowana, and not on the Book of Rates as the other merchants did at the four custom houses of Benares, Mirzapur, Ghazipur and Jaunpur As this was resented by the other merchants Duncan ordered that they should also pay the duty on raw silk, silk and cotton piece goods imported from Bengal, *on the valuation in the Company's Rowana and not on the Book of Rates*[2]

Duncan took measures to correct the irregularities and oppressions under which the Sanyasis suffered He passed a number of orders in their favour He freed them from the oppression of being subject to one Dalal appointed over them by the authority of the Raja, and from the duty exacted from them on their remittances[3] They were given freedom to buy and sell through and with whomsoever they liked They could buy cotton from any class of merchant instead of from the Deccan merchants only[4] They were also permitted to provide their own boats without the intervention of the Government The collection of additional duty at Hullia was also prohibited and the custom master of Mirzapur was instructed to give protection to the Sanyasi merchants from robbers If Sanyasis were robbed at Mirzapur, it was provided that they should be compensated to the extent of half the value of the commodities *stolen*, out of the proceeds of the customs[5]

Duncan also directed his efforts to abolishing the double duties on traders, especially the Deccan merchants, much before the instructions of the Board were received As early as 15 October 1787 he had ordered

[1] Duncan to Government, 25 February 1788 Consultation 26 March 1788 Bengal Public Council Range 3 Vol 34 p 653
[2] Ibid pp 653 656
[3] Duncan to Government 25 February 1788 Consultation 26 March 1788 Bengal Public Council Range 3 Vol 34 p 658
[4] Ibid, pp 658-659
[5] Ibid, p 660

the abolition of the double duties[1] He also abolished the Beya or the weighing fees on the requests of the local and the Deccan merchants and exempted the local merchants from Ghardiwari which they had to pay to the amil of the pargana in which their mart was situated[2]

He also gave his attention to the abolition of rahdhari and zamindari duties He asked the Raja to abolish them at the settlement of 1195 Fasli (1787-88). The Raja agreed and accordingly a clause was inserted in the Kabuliyats of the revenue farmers binding them not to collect such duties[3]

Duncan prohibited the chura collections which consisted of the duties at Mirzapur, Hullia and Songarh on the bullock load, as also the tolls levied by the chaukidars at Sondih and Songarh[4] This prohibition as well as the abolition of the zamindari duties involved him in certain difficulties The merchants complained of being robbed on their way through the mountainous and wild country lying between Mirzapur and the frontiers of the zamindari towards the Deccan It was said that the cause of these robberies was the discontinuance of the chaukidari fees and the zamindari tolls on that road After the prohibition to collect these duties the zamindars and the chaukidars (village watchmen) who used to give protection to the merchants in their areas, became slack in their duties[6] Duncan hoped to remedy this evil in a short time

He also abolished all such fees as were established by the custom masters without due authority for their own and their officers' personal advantage[7]

He abolished the duty exacted on the Bengali pilgrims and thus brought them on to an equality with the Maratha pilgrims, who had been exempt from such tolls since the

[1] Ibid , pp 663 664
[2] Ibid pp 688-693
[3] Ibid , pp 694 698
[4] Ibid , p 710
[5] Ibid , p 711
[6] Ibid , pp 711 712
[7] Ibid , pp 715-716

time of Hastings Duncan felt justified in extending this privilege to the pilgrims from Bengal as they were the subjects of the Company[1] All these actions were intended to make trade as free as possible

On 18 March 1788, Duncan reported to the Government the steps he had taken in consequence of the Government's orders of 26 December 1787 He assured the Board that he would try his best to obtain a total abolition of the inland duties, and that there would be no objection to it except from the Raja, who would make a claim for a deduction from the amount of his rental of such a sum as he would lose by this abolition[2] He informed the Government that orders had been issued whereby Rowanas were to be granted in the same form and subject to the same regulations as those issued by the collectors of Government customs in the provinces[3] The Raja's officers were asked to maintain the same registers and accounts as were kept by the collectors of the Government customs in the Company's provinces Thus an attempt was made by Duncan to bring the customs department in the province of Benares into line with that of the Company's territories In accordance with Barlow's recommendations the duties on the exports from the Company's provinces passing through Benares to the westward or Deccan markets or imported into that district for consumption were to be received at the reduced rate of 2½% and those passing through that province, or imported for its own consumption from the westward, Deccan or other markets, exclusive of Bengal, Bihar and Orissa would pay the duties hitherto established[4] Duncan also realised the hardships under which the Benares manufactures were suffering He therefore suggested the reduction of the export duty from 5 to 2½%

[1] Ibid pp 713-714

[2] Duncan to Government, 18 March 1788 Consultation 26 March 1788, Bengal Revenue Consultations, Range 51, Vol 17, p 729

[3] Ibid, p 728

[4] Ibid pp 728-729

on goods produced in Benares.[1] This was done with a view to encourage the manufactures of Benares.

As directed by the Government on 26 December 1787, he framed the regulations for the commerce of Benares and sent them for their approval on 29 March 1788.[2] The new regulations were to come into force from 1 April 1788. As a result of these regulations, internal duties to the extent of Rs. 92,903 As. 4 Pies 9 were to be abolished. To this may be added a sum of four to five thousand rupees collected by the Raja at Ramnagar in the shape of rahdhari (road cess) and ganj (market) collections. There arose a serious controversy whether the Raja was or was not entitled to any deductions on account of the abolition of internal duties. The Raja claimed that he was fully entitled to compensation. Such a claim could have been disputed. The Raja had disregarded the provisions of the regulations of 1781 which authorised him to establish only three chaukis for the collection of customs especially rahdhari, and had established a number of petty chaukies. It was also thought that trade was likely to increase from the reduction of the rate of customs so as to render the yield equal to the previous level or even greater than it had been.[3] The Raja however was granted a remission of Rs. 12,707 for two years on account of the abolition of the duties on the inland transportation of grain.[4]

Duncan seems to have made serious efforts to render the loss, whether to the Raja or to the Government, as small as possible by reducing the cost of the establishment of the customs department. The entire strength of 1,212 was reduced to 395. The number of stations were re-

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[1] Duncan to Government, 19th May, 1792, Consultation 20 June, 1792, Bengal Board of Revenue Proceedings, Range 89, Vol. 16, n p

[2] Duncan to Government, 29 March 1788, Consultation 28 April 1788, Bengal Public Council, Range 3 Vol 35 pp. 853-854.

[3] Ibid.

[4] Resolution of the Board, 11 April 1788, Consultation 11 April 1788, Bengal Revenue Consultations, Range 51, Vol. 19, p. 333.

duced from 397 to 49. All this reduced the cost of the establishment from Rs. 57,220 As. 11 Pies 9 to Rs. 31,486.[1] The separate custom houses for the sanyasi, Iraki and Punjabi merchants were abolished.[2]

At the same time, with a view to partial augmentation of the loss in revenue due to the abolition of inland duties, he recommended the continuance of the duty on liquor.[3]

Duncan invited the attention of the Government regarding his proposed regulations for the establishment of a commercial court of justice. He was particularly interested in knowing the Government's opinion regarding his proposal for giving some powers to the judges of the four courts in commercial causes. They had been given powers to take cognizance of certain cases of breaches of the regulation against the collection of internal duties. Duncan pointed out that these exactions were often not of sufficient consequence to induce a merchant to go to Benares from Jaunpur, Mirzapur, or Ghazipur to lodge his complaints although he might have complained if he had a court in his neighbourhood. Appeals from these courts were to lie before the Resident who was the President of the commercial court of justice.[4]

On 11 June, 1788, the Board considered Duncan's letter and the regulations proposed by him. They agreed to the proposal that the duties on all merchandise exported from the Company's provinces by way of Benares be immediately reduced to 2½% on the Company's Rowana price as this proposal was intended to give an encouragement to the export trade of the Company's provinces. They also approved of his other plans and his regulations for the establishment of the commercial court of justice were also confirmed.[5]

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[1] Duncan to Government, 29 March 1788, Consultation 28 April 1788. Bengal Public Council, Range 3, Vol 35, pp 853-854.

[2] Ibid, p 861.

[3] Ibid, pp 846-848.

[4] Ibid, pp 864-866

[5] Resolution of the Board, 11 June 1788, Consultation 11 June 1788, Bengal Public Council, Range 3, Vol. 36 pp 783-786.

therefore ordered that double duties should be collected on all surplus goods imported in that manner from Bengal and Bihar[1] He also suggested that the duties on imports from Bengal and Bihar be levied according to the maund prevalent in the place of the issue of the Rowana because there was a considerable difference of the maunds in use in Bengal, Bihar and Benares This rule was to be reciprocal in respect to goods passing to Bihar and Bengal through Benares under a Benares Rowana[2]

Duncan also suggested the abolition of Ghardiwari and Khanasumari He hoped that this "would certainly tend to the good of the country and leave no traces of the many burthensome taxes upon industry"[3] His recom mendation was accepted by the Board Duncan also tried to win the confidence of the Deccan merchants He took measures to protect them from way side robberies and constructed sheds in Mirzapur for them where they could keep their cotton protected from rains[4] He bestowed a Khilat (dress of honour) upon Baji Rao, one of the principal Deccan merchants who possessed a great influence over his brethren[5] He hoped that it would increase the trade and custom house receipts at Mirzapur

With a view to encourage the use of good and healthy cattle in agriculture Duncan prohibited the collection of duties on the sale and purchase, and exportation and im portation of horses, cattle or animals of any description[6]

On 2 October 1789, he reported to the Government

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[1] Ibid, pp 677-678

[2] Ibid, pp 679 680

[3] Duncan to Government, 13 June 1788, Consultation 2 July 1788 Bengal Revenue Consultations Range 51, Vol 21, pp 689-691

[4] Extract from the proceedings of the Resident at Benares, 19 September 1788, Consultation 10 October 1788, Bengal Revenue Consultations Range 51, Vol 25, p 899

[5] Duncan to Government 28 December 1788, Consultation 4 February 1789, Bengal Revenue Consultations, Range 51, Vol 32, p 165

[6] Duncan to Government, 18 February 1789, Consultation 4 March 1789, Bengal Revenue Consultations, Range 51, Vol 33, p 216

that although the receipts from the customs had not shown the increase he had expected from the abolition of the duties, they had exceeded those of the previous years by Rs. 8,703 As. 5 Pies 6.[1] The causes of such an unexpectedly low receipt were the heavy rains which greatly interrupted trade by land, the abolition of the duty on cattle resulting in loss of Rs. 6,000, low prices of sugar in Bengal which reduced the demand for its imports from Benares, lowering of the duties on cotton imported from Nawab Vizier's dominion as a result of the commercial treaty and finally the postponement of the import duty on grains which was necessitated by the drought and failure of crops in 1788.[2]

The increase in the customs receipts was however followed by a slight increase in the budgeted expenditure in the department. To Duncan this was no cause for alarm because he had already made a cut of nearly Rs. 20,000 annually in the establishment of that department.[3]

On a visit to Mirzapur in the spring of 1790, Duncan found trade there in a flourishing state.[4] The town of Mirzapur itself had increased in dimensions within one year and the merchants of the town in 1789 had applied for 30 bighas of land for the extension of the mart. A new and spacious quarter called the Mahalla Engrezi or the English ward had been constructed; it was principally occupied by the Deccan merchants, and had become the chief receptacle of their cotton.[5] The prosperity of the province was also apparent from the considerable increase in the customs receipts. The customs

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[1] Duncan to Government, 2 October 1789, Consultation 21 October 1789, Bengal Revenue Consultations, Range 51, Vol 49, p. 166.

[2] Ibid, pp 167-168.

[3] Ibid, p. 171.

[4] Duncan to Government, 21 March 1790, Consultation 31 March 1790, Bengal Revenue Council, Range 52, Vol. 7, p 683.

[5] Beaufoy's report on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous, Vol. 379, p. 201.

for the first six months of the current (1790) year exhibited a surplus of Rs 60,228 As 5 Pies 2 over the previous year[1] Cornwallis observed that "the total abolition of internal duties in the zamindari of Benares has *not been productive of any disadvantage to the district* on the contrary such has been the rapid increase of its trade that the custom house receipts for the first six months of the current year (notwithstanding the reduction in the rates of the duties) have exceeded the receipts of the corresponding period of the last year to the amount of 60,000 Rupees"[2]

But there was still much to be done The Deccan and Bundelkhand merchants were carrying on their trade at a disadvantage as compared to the merchants who transported their cotton to Bengal through the Vizier's dominion This disadvantage was due to the overvaluation of their cotton which resulted in an excess levy of Rs 15 for every 100 maunds of cotton On his own initiative, Duncan relieved the merchants of this burden by lowering the valuation of their cotton, thus placing them on a footing with the other merchants[3] He was convinced that this would not bring a loss to the Government, on the contrary, more cotton would be diverted to Bengal and Bihar through Mirzapur, instead of the Nawab Vizier's market of Phulpur[4]

Duncan found wayside robberies and thefts on the increase in Mirzapur By the custom of the country it was considered incumbent on the Government to cause

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[1] Duncan to Government 21 March 1790 Consultation 31 March 1790 Bengal Revenue Council Range 52 Vol 7, p 683

[2] Cornwallis's minute included in the report by Beaufoy on the *measures adopted by the Governor-General and Council of* Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786 Home Miscellaneous, Vol 379, p 231

[3] Duncan to Government 21 March 1790 Consultation 31 March 1790 Bengal Revenue Council Range 52, Vol 7 pp 675-677

[4] Duncan to Government 21 March 1790 Consultation 31 March 1790 Bengal Revenue Council Range 52, Vol 7, p 677

immediate restitution to be made in cases of theft to the merchants and more particularly to the Deccan merchants Until then the amils had been making good the losses of the merchants but Duncan felt that the amils in the vicinity of Mirzapur could not be made constantly liable for all losses from thefts committed on the Mirzapur trade since the amount was more than any calculation of their profits as amils of land revenue could extend to Besides, the hardship of holding them thus accountable was the greater, from their having been for the past two years, forbidden to collect any duties on trade [1] Duncan, therefore, relieved the amils of Mirzapur from this obligation but at the same time increased the number of zamindari chaukidars and posted them along the roads frequented by traders going to Mirzapur Thus a complete line of watchmen was established from the western frontier up to Mirzapur and for some way on the opposite side of the Ganges To keep them vigilant they were made responsible for all losses by theft or robbery The additional expense on this account was only Rs 158 Anna 1 [2]

He also increased the office establishment of the customs master of Mirzapur in consideration of the enlarged size of the mart there He also made it known to the customs masters of the zamindari that their salaries would be increased if they worked honestly and efficiently [3]

The Government were pleased at Duncan's conduct which had contributed to the extension of commerce in the province of Benares Cornwallis wrote to the Court of Directors, "The great additional resort of Deccan merchants to the mart of Mirzapur and the applications that have been lately made for tracts of ground to increase the buildings in that place have been very pleasing indications of the commercial improvements" [4]

Duncan's regulations which were made permanent in

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[1] Ibid, pp 678 679
[2] Ibid pp 679-680
[3] Ibid pp 680 681
[4] Cornwallis to the Court of Directors 2 August 1789, Public Record Office 30|11, Box 154

1795, show how eager he was to remove obstacles to the trade of the province He had abolished internal duties, lowered the duties on exports and imports and made them more definite, and had given protection and encouragement to the merchants

To his efforts for reforming the tariff administration and for the encouragement of commerce may be added two important commercial treaties —one with the Nawab Vizier of Oudh and the other with the Raja of Nepal In the former he was indirectly concerned and his contribution lay not in the actual making of the treaty but the execution of it, in the latter the whole credit of finalising the treaty goes to his tact and wisdom The treaties were not only important for the province of Benares but also for the trade of the East India Company at large Oudh was not only the producer and supplier of cotton piece goods but also of raw cotton very similar to the Surat cotton used for the manufacture of cotton piece goods in the Company's domain Moreover, the Deccan merchants importing cotton from the Deccan had to pass through either the Vizier's dominion or through Benares Any preferential treatment by the imposition of lower import duties in Oudh on such merchandise might have spoilt the entrepot trade of Benares Moreover, in view of the absence of any understanding between the two governments the traders were likely to be oppressed by not only illegal exactions but also a multiplicity of tariff barriers and a wrong system of assessment and valuation Therefore a treaty was desirable both in the interest of the Company as well as the Vizier Cornwallis himself believed in the utility of a treaty with Oudh He wrote to Dundas, 'as the inland trade of our own provinces and especially of Benares was in a very defective state, I thought it would be best to form a commercial treaty with the Vizier which should increase the whole and regulate the duties from the northern boundary of Rohilkand and to the mouths of the Ganges "[1]

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[1] Cornwallis to Dundas, 16 November 1787, Public Record Office 30|11 Box 150

Accordingly a treaty was concluded with the Nawab Vizier in July 1788 The Treaty provided that goods coming from either the Company's provinces or Benares or Oudh should be accompanied by a Rowana issued by the administrative authority of the place and the assessment of the duty should be made on the basis of the price quoted in the Rowana[1] This provision was intended to avoid disputes arising in connection with valuation of the commodities and evasion of tax With regard to the actual rate of duties, it was decided that cotton passing through the Vizier's territories was to pay a 2½% Benares import duty at the valuation of Rs 6 per maund, and silk and cotton goods manufactured in Oudh were to pay a Benares import duty of 2½% instead of 5% This would have secured a cheap supply of raw cotton to Bengal at the same time it would have opened a market for the manufactures of Bengal The export duty on stones passing through Oudh was taken off On all other articles the import and export duty remained as before[2]

After the conclusion of the Treaty with the Nawab Vizier and the establishment of a custom house at Allahabad, Duncan stationed a Mutsaddi (clerk) and two peons at Patwaripur which was situated at the junction of three frontiers, namely the Company's, the Nawab Vizier's and Raja Udwant Singh's[3] They were given instructions to prevent any molestation of boats within the Company's jurisdiction If they learnt of any such molestation or undue demand of customs being made upon boats either by the people of the Nawab Vizier's frontiers or in Udwant Singh's country, they were directed to report the matter through the custom master of Mirzapur[4]

On 26 October 1788, Duncan complained to Ives, the Resident at Lucknow, that even after the conclusion of

[1] Aitchison, Treaties, Engagements and Sanads II, pp 90 91.
[2] Ibid
[3] Proceedings of the Resident at Benares of 21 November 1788 Public Record Office 30|11, Box 27
[4] Proceedings of the Resident at Benares of 21 November 1788, Public Record Office 30|11, Box 27

the Treaty merchandise exported from the Nawab Vizier's dominions, was entering the Zamindari of Benares without any Rowana[1] At first Duncan imputed the non existence of these Rowanas to the novelty of the system and thought that a short time would remedy it but finding that this practice had not stopped he instructed the custom masters to collect the former duty of 5% on all such goods without any Rowana[2] He hoped that this might prove an incentive to the observance of the Treaty on the part of the merchants and the custom house officers of the Nawab Vizier's dominions

Besides striving for the strict enforcement of the Commercial treaty with Oudh, Duncan was also instrumental in the making of the Anglo-Nepalese Commercial treaty of 1792 It has been said earlier that a considerable amount of specie used to come to Benares from Nepal The Company's Government used to receive gold, gold dust, and salt from the Nepal valley in exchange for woollen goods, manufactured cotton goods, Benarsi cloth and raw silk[3] A major part of these commodities passed through Benares on way to Nepal and their trade was mainly controlled by the Sanyasi merchants But after the accession of the Gurkhas to power and the failure of Kinloch's expedition against them there was little connection between the English Government and Nepal till the time of Cornwallis Trade had practically ceased Hastings's attempts to open a free commercial intercourse with Nepal and Tibet had not succeeded owing to the intrigue of the Chinese court, who had now assumed openly the entire government of Tibet[4]

It was again in 1789 that an opportunity presented itself for the revival of friendly relations with Nepal—when the agent of the Raja of Nepal applied to Duncan for a Mafi Rowana in respect to a small quantity of goods which he had commissioned Duncan knowing that the

[1] Duncan to Ives Resident at Lucknow 26 October 1788 Public Record Office 30|11 Box 27

[2] Ibid

[3] Kirkpatrick *Account of Nepaul* pp 205 207

[4] Ibid p 372

Government wished to cultivate a good understanding with the Raja of Nepal promptly granted the Rowana. He also sent some presents for the Raja.[1]

In 1790, at the suggestion of the Collector of Purnea, Cornwallis wrote a letter to the Raja of Nepal enumerating the measures he had taken for the encouragement of the commerce of both countries and for the removal of the impediments that had hitherto obstructed its progress.[2] He pointed out that he had withdrawn the chaukies which had been stationed towards Nepal's frontiers and had abolished all the duties that were collected on exports to Nepal as well as on imports from it into the Company's territories. He informed the Raja that though it would mean a great loss to the Company's revenue, he had voluntarily made the sacrifice in the hope that it would bring more prosperity to the subjects of both governments. He hoped that the diminution of revenue would be fully compensated "in the increase that would arise to the other sources of their wealth."[3] He also informed the Raja that the Nawab Vizier had concluded a similar commercial Treaty with the Company's Government which had contributed to the growth of commerce of both countries.

The Government empowered Duncan to negotiate a treaty of commerce with Nepal as he had earlier sent some presents to the Raja. The Governor-General wrote to the Raja, "I have been further led to suggest this channel for the negociation [sic], by consideration of the better prospect it holds forth of being successful as the constant resort of Pilgrims to the city of Benares from your Territories, and the frequent Intercourse which must have taken place between our subjects in consequence of those Pilgrimages, must have enabled both Mr. Duncan and

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[1] Duncan to Government, 31 December 1789, Consultation 13 January 1790, Bengal Revenue Council, Range 51, Vol 55, p. 543.

[2] Cornwallis to the Raja of Nepal, 11 November 1790, Consultation 24 December 1790, Bengal Revenue Council, Range 52, Vol. 23, pp. 767-768.

[3] Ibid, p 769

the officers of your Government to obtain a more intimate knowledge of the commerce carried on between the subjects of our respective states, than can have been obtained thro' any other channel "[1]

Duncan meanwhile requested the Government that directions be sent to all the collectors on the borders from Saran to Rangpur, to pay strict attention to any requisitions that he might make to them regarding the proposed commercial treaty so as "to give the Raja a confidence that he had full authority to settle the subject of discussion "[2]

Duncan associated Nawab Ali Ibrahim Khan in the negotiations because he was much respected by the neighbouring chiefs He also wrote letters to Gujraj Mishra, the Raja's Guru and to Pran Puri, a mendicant held in high esteem at Nepal, in the hope of influencing the Raja to conclude the treaty[3]

Although Cornwallis's letter to the Raja who lost on the way by the messengers, the Raja's reply to Duncan was very encouraging The Raja agreed to withdraw all or most of the inferior Phandis chaukies and other places of collection, but he appeared unwilling to give up the duties totally He proposed that one station should be fixed on, where a single duty should be collected[4]

Duncan sought Government s opinion whether a general abolition of duties was desired or not The Board of Revenue[5] had proposed a total abolition of the duties

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[1] Ibid pp 770-771

[2] Duncan to Government 1 February 1791 Consultation 11 February 1791 Bengal Revenue Council Range 52 Vol 26 pp 437-438

[3] Duncan to Government 23 April 1791 Consultation 27 May 1791 Bengal Revenue Council Range 52 Vol 30 pp 724 725

[4] Translation of a letter from the Raja of Nepal to Duncan n d received 19 April 1791 Consultation 27 May 1791 Bengal Revenue Council Range 52 Vol 30 pp 747-749

[5] The Board of Revenue on the suggestion of the Collector of Purnea for co-operation with the Raja of Nepal in commercial matters had suggested to the Governor-General and Council for a total abolition of duties, a copy of which had been sent to Duncan

between the two countries whereas the Governor General's letter to the Raja had proposed that the negotiation should take effect "upon grounds similar to those on which the Treaty with the Vizier was concluded"[1] Another ground for doubt arose from the consideration that although the duties on imports from Nepal had been abolished on the frontiers of Purnea, they were being collected when the goods arrived in Calcutta[2] Duncan observed that if this was the case, the commerce from Nepal could not be said to pass free within the Company's territories

The Government approved of the measures taken by Duncan They directed him to effect a limitation of the duties levied in Nepal on the exports from the Company's provinces instead of a total exemption as directed in their last instructions Duncan was also asked to find out where it would be most convenient for the merchants to pay the duties and to suggest the rates at which it might be advisable to ask the Raja to fix those duties and the valuation of the different articles that were liable to payment[3]

Duncan was also directed to prepare a draft treaty on the lines suggested A provision in the treaty should be made for the recovery of debts which might become due from residents in Nepal to merchants trading from the Company's provinces, and to enable them to obtain immediate redress against any officer or subject of the Nepal Government who might act contrary to the stipulations of the treaty Similar privileges were to be given to merchants of Nepal trading in the Company's pro-

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[1] Duncan to Government, 23 April 1791, Consultation 27 May 1791, Bengal Revenue Council, Range 52, Vol 30, pp 728-730

[2] Duncan to Government 23 April 1791, Consultation 27 May 1791, Bengal Revenue Council Range 52, Vol 30, pp 728-730

[3] Government to Duncan, 27 May 1791, Consultation 27 May 1791, Bengal Revenue Council, Range 52, Vol 30, pp 765-766

vinces.[1]

On 12 September 1791, Duncan forwarded to the Government a copy of the draft treaty. He informed the Government that he had been told that Gujraj Mishra would be leaving Kathmandu for Benares within a short time. He had, therefore, hastened to prepare the draft treaty for the Government's approval and wanted to conclude it before Gujraj Mishra left Kathmandu.[2]

He also suggested to the Government the idea of stationing a temporary resident at Kathmandu with the Nepal Raja's consent until "the Treaty shall at least have had time to take some degree of root on both sides". He felt that unless an Indian of character was allowed to remain for some time in the Nepalese court to attend to the execution of the treaty, its chief advantages might remain unrealised.[3]

Before he had received the Government's approval of the draft treaty, Duncan was obliged to despatch Abdul Kadir Khan with instructions to complete the negotiation because of Gujraj Mishra's impatience to go to Benares.[4] He sent presents for the Raja and his family through Kadir Khan and fixed the Khan's salary at Rs. 1,000 per mensem so that he should appear at the court of Nepal with suitable dignity as being the first envoy to it from the Company's Government. For this reason he advanced three month's salary to Kadir Khan, which, together with the cost of the presents, amounted altogether to Rs. 8,475.[5]

Kadir Khan was given a warm reception at Kathmandu. At that time, there were at the Nepalese court vakils

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[1] Government to Duncan 27 May 1791, Consultation 27 May 1791, Bengal Revenue Council, Range 52, Vol. 30, pp. 768-770.

[2] Duncan to Government, 12 September 1791, Consultation 28 October 1791, Bengal Revenue Council, Range 52, Vol. 36, pp. 718-719.

[3] Ibid., pp. 722-723.

[4] Duncan to Government, 4 February 1792, Consultation 17 February 1792, Bengal Revenue Council, Range 52, Vol. 41, n.p.

[5] Ibid.

from three foreign powers—Scindia, Oudh and China—but the Moulvi's reception was said to have been more honourable than theirs[1]

On 21 March 1792, Duncan informed the Government that the Treaty had been concluded and ratified This Treaty was to come into force from 9 April 1792 Gujraj Mishra and Abdul Kadir Khan, who had been instrumental in the conclusion of the Treaty, were granted jagirs of Rs 2,573 As 12,[2] and Rs 1,500,[3] respectively by the Government The Raja informed Duncan that he had issued orders to his officers to carry the Treaty into "full execution" and requested that orders to the same effect be issued throughout the dominions of the English Company The Raja's attitude seemed most co operative He wrote, 'Whatever shall be intimated to me respecting the Company's Business in this quarter I shall effect it, as if relating immediately to myself and whatever I shall from this write to the English Government, it is certain that a favourable attention will be extended thereto'[4]

On the receipt of the Raja's letter Duncan transmitted a copy of the Treaty to Revell, the Collector of Government customs at Manjhi, and advised its strict observance from 9 April 1792, the day on which it was to come into force in Nepal

At Duncan's suggestion the Board approved of the places fixed upon by the Raja of Nepal for the collection of duties in his territories[5]

However, nothing substantial came out of the Treaty, and it remained ignored and dormant The cause of this appeared to be the British reluctance to aid the Gurkhas in their war against the Chinese, who were invading Nepal in retaliation for a Gurkha incursion into Tibet. Cornwallis offered to send a mediator He had no intention of offending the Chinese Government at Peking, with whom the British were eager to engage in commerce Cornwallis s delay in despatching Kirkpatrick, his representative, alienated the Gurkhas' sympathy, for they had been obliged to conclude what they considered an ignominious treaty with the Chinese forces

The ostensible object of Kirkpatrick's mission was now at an end but as he had instructions to take measures to improve the commercial advantages secured by the Treaty, he advanced to Kathmandu The Gurkhas, however, evaded all his overtures, and showed a determination to avoid a closer alliance [1]

Kirkpatrick during his stay in Kathmandu tried to assess the possibilities of British trade with Nepal, Bhutan and Tibet He found that the English woollens were 'bought up in that country, whenever the Beoparies carry them thither, with great avidity' He felt that there was 'good reason to believe, that, could a free and secure communication be opened between Bengal and Tibet, the woollen staples of Great Britain might be disposed of to the inhabitants of the latter country to a very considerable amount'

Shore was also conscious of the importance of the Nepal trade, and again in 1795, he deputed Kadir Khan to Kathmandu to revive commercial relations with Nepal Duncan wrote to Ross that 'Moluvy Abdul Kaudir Khan is just gone again to Nepaul with a small investment of goods on trial, as a sort of incipienting factory which if Sir John Shore s views succeed may prove very beneficial to our manufacturers in Great Britain and Ireland The

[1] Kirkpatrick to Cornwallis 19 March 1793, included in appendix No II of Kirkpatrick s *Account of Nepaul* pp 358 366

[2] Kirkpatrick s memorandum respecting the commerce of Nepal Kirkpatrick s *Account of Nepal* pp 371-372

Raja had at first the same objections [sic] to the investment, as 2 or 3 years ago, you may remember he had in respect to Captn. Kirkpatrick but Gujrage his Gooroo again overcame them, much to Sir John Shore's satisfaction."[1]

But these efforts were again doomed to oblivion, and there were no organised trade transactions with Nepal till 1801, when Wellesley contrived to resurrect the old Treaty of Commerce. Duncan's hard work and endeavour remained abortive. Through circumstances beyond his control, the confidence of the Gurkhas, which he had tried so painstakingly to cultivate, was not gained.

From the economic point of view, Duncan's revenue administration in Benares may be taken to be a period of slow transition from revenue farming to a permanent settlement. To reduce the inherent limitations of the farming of revenue, Duncan had directed his efforts to setting a limit not only to arbitrary exactions by the Raja and his officers but also to the fraudulent behaviour of the amils. By giving security of tenure to the tenants and later permanency or semi-permanency and by making the settlement with the zamindars, he wanted to give the landed interests an adequate incentive to bring about improvements in agriculture. Above all, by maintaining the institution of the qanungos and the amils, he maintained a link between the tillers of the soil and the Government.

Duncan also tried to increase the trade of Benares. He reduced or abolished export or import duties as well as the internal duties. He prohibited all illegal exactions from the traders especially the Sanyasi and the Deccan merchants. He gave the Sanyasí merchants freedom of purchasing cotton from any class of merchants and of using their own boats. He took measures to protect the merchants from wayside robberies and constructed sheds in Mirzapur for the Deccan merchants where they kept their cotton protected from the rains. To gain the confidence of the Deccan merchants he conferred a Khilat

[1] Duncan to Ross, 8 May 1795, Home Miscellaneous, Vol. 741.

upon one of the principal Deccan merchants He had suggested one customs unit for Bengal, Bihar and Benares He was also instrumental in the conclusion of the Anglo-Nepalese Commercial Treaty of 1792 He also tried his best in enforcing the provisions of the Commercial Treaty with the Nawab Vizier of Oudh

In his general commercial policy he was opposed to monopolies[1] But in the interests of the Company's income and of public welfare he advocated a monopoly in opium But he was conscious of the defects of such monopolistic rights and therefore advocated the agency system for the procurement of opium and not the contract system in which the raiyat was liable to be exploited to a greater degree

At a time when the attitude of the Government was hostile to the settling of Europeans in the districts, Duncan was in favour of colonisation by planters and felt that if properly regulated it might bring prosperity to the country, the Company and the people at large

On the whole it seems that he was sufficiently aware of the essentials of a sound economic policy His emphasis on a single consolidated land tax was akin to Physiocratic doctrines, and his attempts to lay the foundation of free trade by the abolition of various inland and transit duties and by co operation between neighbouring states bring him near, to laissez faire ideas

[1] Gold monopoly abolished on 27 December 1787, Lime monopoly on 23 October 1789, Sujee monopoly on 10 October 1788, and the Lead monopoly on 11 August 1789

CHAPTER V

JUSTICE AND LAW AND ORDER, 1787-1795

The administration of justice, both civil and criminal, of the province of Benares was in the charge of the Raja, who used to delegate it to the amils[1] The amils dispensed justice within their respective areas In the jagirdaries, the jagirdars administered justice The Kazis, whose office was hereditary under the Mughals, were doubtless found in the parganas but it seems that their judicial authority had been to a large extent over shadowed by the amils, who were in charge of the collection of the revenue Duncan found the Kazis in a forlorn condition and many of them had no settled allowances[2]

Duncan on his appointment was asked to suggest amendments in the prevailing system of justice if he thought that it was not working well[3] He wanted to establish regular courts as in Bengal and other provinces of the Company, where the farming of justice had long before been given up He accordingly recommended to the Raja that the administration of justice in the towns of Mirzapur, Ghazipur and Jaunpur should not be left to the amils but separately provided for by the appointment of Indian judges of good character[4] This proposal was approved by the Government They directed Duncan to establish the three town courts with the assis

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1 Beaufoy s report on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous Vol 379, p 189

2 Duncan to Government, 12 September 1788, Consultation 6 August 1788, Bengal Revenue Consultations, Range 51, Vol 25, p 215

3 Instructions to Duncan 27 July 1787, Consultation 27 July 1787 Bengal Revenue Consultations, Range 51, Vol 9, p 41

4 Extracts from the proceedings of the Resident at Benares on 5 October 1787 Consultation 19 October 1787, Bengal Revenue Consultations Range 51, Vol 12, pp 931-936

tance of the Raja[1]

With this end in view, he undertook a tour of the province in the company of the Raja in January 1788 Cornwallis wrote to the Court of Directors that Duncan "is upon a tour through the whole Province, which has for its objects a minute examination of the internal condition of that valuable country, but particularly in compliance with my directions to establish regular courts for the administration of justice, under the authority of the Rajah, in Ghazipoor, Jaunpur and Mirzapur—a measure which, however extraordinary it may appear to you, has been hitherto neglected, but which I trust will tend to promote the happiness and security of the inhabitants"[2]

In February 1788, Duncan reached Ghazipur and appointed Maulavi Amirullah as the judge and magistrate for that place[3] The judge was empowered to administer justice in all cases, civil and criminal, and to be also the magistrate for the town of Ghazipur In the trial of civil cases the judge was to be guided by the Koran or shastras according to the religion of the parties[4] In cases where the parties were of different religions the law of the defendant was to prevail In criminal cases Islamic law was to be administered[5] This was the system already followed in Bengal Duncan introduced it into Benares to bring it in line with Bengal

The Government approved of the establishment of a court of justice at Ghazipur and the appointment of Maulavi Amirullah as its judge[6] The Government also

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[1] Resolution of the Board, 19 October 1787, Consultation 19 October 1787, *Bengal Revenue Consultations*, Range 51, Vol 12 pp 937-938

[2] Cornwallis to the Court of Directors, 3 March 1788, Public Record Office 30|11, Box 153

[3] Duncan to Government 6 February 1788, Consultation 29 February 1788, Bengal Revenue Consultations Range 51, Vol 16, pp 409-410

[4] Ibid, pp 418-419

[5] Ibid

[6] Resolution of the Government, 29 February 1788 Consultation 29 February 1788, Bengal Revenue Consultations, Range 51, Vol 16, p 461

laid down rules regarding appeals from the Ghazipur court Duncan had empowered the judge to inflict punishment to the extent of twenty stripes or a week's imprisonment without reporting the case, but for greater punishments Duncan's approval was to be obtained be fore execution of the sentence He had made no pro visions regarding appeals in civil cases The Government authorised him to hear all appeals in civil cases if made within two months of the decision Where the cause of action did not exceed Rs 1,000, Duncan's decision was to be final, but if the amount exceeded Rs 1,000 the parties could appeal to the Sadar Diwani Adalat at Calcutta In criminal cases all capital offences were to be tried according to the established forms of law and the judge after passing sentence was required to transmit a copy of his proceedings to Duncan, who was authorised to suspend the execution of the sentence passed by the judge if he felt that the evidence against the prisoner was insufficient or that the judge had failed to conduct the trial according to the customary forms or had passed a decision not warranted by the Islamic law [1]

In March Duncan appointed Mufti Karimullah as the judge of Jaunpur[2] and gave an old fort, 'chihil sutoon' for his kachahri [3] He hoped that the allotment of the fort to the judge would not only save house rent but would also have a good effect on the minds of the inhabi tants of the town in establishing the judge's authority He also extended to Jaunpur the same regulations which were operating in Ghazipur He wanted to adopt the whole of the judicial regulations prevalent in Bengal and Bihar but thought that "in the present infancy of the institution, burthening the native judge with such a variety of rules might only serve to perplex him, and the

[1] Ibid , pp 462 465

[2] Duncan to Government 15 March 1788, Consultation 26 March 1788, Bengal Revenue Consultations, Range 51, Vol 17, p 719

[3] Khairuddin Mohamed (tr Poyson), *History of Jaunpur*, p 42

suitors, who had been hitherto wholly unused to such series of forms."[1] He hoped that a few months' actual experience would enable him better to judge what further rules were wanted and best suited to local circumstances.[2]

He appointed Lala Bakshi Singh as the judge of Mirzapur. He hoped that this would be gratifying to the Hindus who formed the majority of the population there. In Jaunpur, the majority were Muslims and so he had appointed a Muslim judge.[3] It appears that he was guided by expediency in these appointments.

Duncan hoped that the institution of these courts "would not only prove highly beneficial to the inhabitants of the town but would also make at the same time the best impressions in favour of Government in the minds of the people in general, by convincing them that their welfare was an object to which we did not scruple to sacrifice some parts of the pecuniary advantages."[4]

At Duncan's request the Government extended the jurisdiction of the Sadar Adalat, which had been vested in him, in respect of appeals, to the courts of the town of Benares. Duncan now began to exert the same control over them as over the other three town courts.[5] He also suggested to the Government that the chief magistrate, who had been so long independent, should be made subordinate to him. Duncan thought that making Ali Ibrahim Khan's decisions "subject to an appeal would obviate his [the Khan's] reliance so much on untrustworthy judges of civil and criminal courts who were taking undue advantage of his liberality because the idea

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[1] *Duncan to Government, 15 March 1788, Consultation 26* March 1788, Bengal Revenue Consultations, Range 51, Vol 17, pp. 722-724.

[2] Ibid

[3] Duncan to Government, 31 March 1788, Consultation 11 April 1788, Bengal Revenue Consultations, Range 51, Vol 19, pp 300-301

[4] Ibid, pp 301-302

[5] Duncan to Government, 14 April 1788, Consultation 30 April 1788, Bengal Revenue Consultations, Range 51, Vol 19, pp 979-980

of an appeal would make Ali Ibrahim Khan pay stricter attention to the proceedings of the courts under him "[1] This proposal was not unprecedented It should be remembered that Reza Khan at Murshidabad and Sitab Rai at Patna were made subject to the control of the Controlling Councils of Revenue established at each of the above two places in 1769-70 Duncan's suggestion was accepted by the Government

After establishing regular courts of justice at Ghazipur, Jaunpur and Mirzapur, Duncan turned his attention towards the administration of justice in the rural areas He found that the Raja's Mulki Adalat was hardly adequate to its obligations and in the words of Duncan, "whilst it remained in its present situation, it was of the least possible use that any court could be "[2] He also found that there was no proper court for revenue causes [3]

Besides proposing a court for revenue matters, Duncan suggested some measures for the efficient working of the Mulki Adalat He at first thought of abolishing it altogether and allocating its duties to the four town courts of justice but on further consideration he gave up this idea because he felt that its abolition "would greatly irritate the Raja who would perhaps be sufficiently indisposed by the establishment he had above proposed of a court under him for trying matters of revenue" [4] He thought it most expedient to let the Mulki Adalat continue for at least one year, "by which time the Raja, finding himself divested of any influence over it, might from a wish to be relieved from the expense of the establishment, easily consent, if on further experience the measure be still deemed necessary, to its entire abolition "[5] He therefore recommended that the name and establishment of the Mulki Adalat should be continued but that its

[1] Duncan to Government 12 September 1788, Consultation 3 October 1788 Bengal Revenue Consultations, Range 51, Vol 25, pp 216 217

[2] Ibid, p 215

[3] Ibid, p 218

[4] Ibid pp 220-221

[5] Ibid

superintendence should be vested in him Just as from other courts of the Zamindari the appeals from this court should also lie before the Resident [1]

Duncan reorganised the establishment of the Mulki Adalat to make it efficient Like Cornwallis he rightly believed that the efficiency of the administration was inextricably bound up with the morale of the services, and he therefore decided to raise the pay scales of the judges of the Mulki Adalat to make them immune from ordinary temptations He raised the salary of the judge of the Mulki Faujdari Adalat from Rs 60 to Rs 400 The salary of the judge of the Mulki Diwani Adalat was raised from Rs 150 to Rs 500 He also increased the office establishment of the judges [2]

Duncan also directed the amins or the commissioners to enquire into and report on the allowances of the Kazis so that some means could be adopted for regulating this establishment [3]

Duncan thought that the reorganisation of the judicial system and the establishment of the town courts certainly had some results Referring to the institution of the courts he observed, 'There was however little or no doubt but they had proved already eminently advantageous The mart of Mirzapur was thronged with inhabitants, and about 100 Beegahs of land have within the last twelve months been taken into its circuit on which has been erected the new and capital quarter called Muhulla Engrezee or English ward The town of Ghazeepoor had also improved as well in point of trade and population As to Jaunpore, it was not from its situation and the class of its principal inhabitants so capable of its advancement in these respects but the Adawlut cannot be productive of any other than good effects to the com

[1] Ibid

[2] Extracts of the proceedings of the Resident at Benares n d, Consultation 17 December 1788 Bengal Revenue Consultations Range 51, Vol 29 pp 241 242

[3] Duncan to Government 12 September 1788 Consultation 3 October 1788 Bengal Revenue Consultations Range 51, Vol 25 p 215

munity at that place."[1]

Cornwallis was also satisfied He wrote to the Court of Directors, "Mr. Duncan's conduct has contributed to promote the extension of commerce and agriculture, and great progress has been made in establishing a system for the regular administration of justice, which alone can secure the happiness of the body of the people in that valuable province"[2] He further observed, "It has likewise been with peculiar satisfaction that I have lately received a convincing proof of the good effects of his judicious management upon the minds of the neighbouring powers by an application from Nana Furnavese, the First Minister of the Mahratta state, for leave to build a house for himself in the city of Benares, for the avowed purpose of resorting to it occasionally to perform religious duties, and this application has given me the more pleasure, as the resolution was deliberately adopted upon the report of Mhadajee Pundit, his own household Dewan, whom he sent privately last year with a caravan of pilgrims, to make his observations, and who it seems had given a most favourable account of the mildness and regularity of the British government"[3]

Cornwallis also wrote to Duncan regarding Nana Fadnavis's request for permission to build a house at Benares that 'This event must be considered as a most honorable [sic] Testimony of the success of your endeavors [sic] to establish good order in the City and District under your management whilst at the same Time it contributes to raise the national Reputation in this country"[4]

In June 1789, Duncan reported to the Government a case which related to the power of the creditors to

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[1] Duncan to Government, 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, pp 199-200

[2] Cornwallis to the Court of Directors, 2 August 1789, Public Record Office 30|11, Box 154

[3] Ibid

[4] Cornwallis to Duncan, 24 June 1789, Consultation 24 June 1789, Bengal Political Consultations, Range 114, Vol 37, pp 213-215

coerce and urge their debtors in such a degree as to *occasion their death* He *stated that this practice* was authorised by the Islamic Law and that it had become more prevalent because of the absence of any adequate provision for the administration of justice throughout the province except the city of Benares He pointed out that this custom deserved some alteration or limitation by the Government as this was the second instance where its exercise had terminated in the death of the debtor He suggested that since courts of justice had been established in the towns of Benares, Ghazipur, Jaunpur and Mirzapur, the power of trying cases regarding debts in *their whole district should be vested in them* He thought that the hope of a speedy relief in the courts would desist creditors from confining their debtors In order to check groundless litigation, he recommended the introduction of some public rusum on law suits and of the system of awarding costs of suits to be paid by the losing party This system was being followed in the courts of Bengal and Bihar[1]

Although Duncan's proposal for the extension of the jurisdiction of the town courts to the entire district in case of debts had been approved by the Government, he did not carry it out because on further consideration it appeared to him unadvisable[2]

On Ali Ibrahim Khan's advice, he first introduced the fee on suits and the system of awarding costs on an experimental basis in the city court of Benares only[3] This experiment proved a success and in 1791 it was extended to other courts as well[4]

Duncan found several kinds of oath taking prevalent

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[1] Duncan to Government 10 June 1789, Consultation 1 July 1789 Bengal Revenue Consultations, Range 51, Vol 39, pp 659-661

[2] Duncan to Government 3 October 1789, Consultation 28 October 1789, Bengal Revenue Consultations, Range 51, Vol 50 pp 62-64

[3] Ibid

[4] Duncan to Government 22 May 1791, Consultation 3 June 1791, Bengal Revenue Judicial Range 127, Vol 74, pp 29-33

in the courts in civil cases affecting the Hindus In the absence of any corroborative evidence by the plaintiff in support of his claim he had to swear by any of the eight forms of oath taking sanctioned by the Hindu scriptures Some of these forms were by ordeal—by holding a red hot ball by Kadahi or by boiling ghee, by mar or serpent by jahar or poison Some involved a promise to forfeit something of value—one's flesh as weighed by Mizan one's spiritual merit by holy water, by Briyi or rice and by children or dear relations Duncan seems to have realised the advantages of standardising the system of oath and prescribed the one by the waters of the Ganges to be administered as the only form of oath taking in the court[1] This system besides being easily accessible appeared to be the least primitive of all the various forms that were prevalent in Benares then It seems that Duncan had relied on the religious sentiments of the Hindus and had hoped that the system of oath taking by the water of the holy Ganges would lead to a better dispensation of justice But it seems that it did not work well especially in cases of boundary disputes In 1791, Duncan found numerous cases of boundary disputes in the province of Benares Duncan thought that the increase in boundary disputes was because of the prohibition of the oath by holding a red hot ball which was the most common way of settling boundary disputes before this prohibition He wrote to the Government 'These disputes are however so numerous and many of them of such long standing and consequently so little susceptible of clear evidence that the regular judicial process of the Moolky adawlut is but indifferently adapted to settling them besides which as the Trial by ordeal is therein altogether excluded the contending Landholders (Who have for the most part the greatest affiance in that mode of appeal to Heaven) are not so well satisfied with Judicial Decisions founded on an oath taken merely on the

[1] Reply to the enquiries by the judge of the Mulki Diwani Adalat Consultation 4 February 1789 Bengal Revenue Consultations Range 51 Vol 32 pp 246 247

water of the Ganges, as they would be were the Trial to be Governed by what is here called the Golah or Red-hot Ball of Iron, which they have been from their Infancy taught to believe should and must justly determine, more especially in old Boundary Disputes"[1] He continued, "I do not, however, mean to propose that this, or any other mode of ordeal should be introduced into any of the regular courts of Justice, but I presume that your Lordship in Council will in consideration to the manners and customs of the natives, and to the number of lives that may be saved, and of Disputes concerning Limits that may thereby be terminated, allow of my permitting the Gola oath to be used in such cases where both parties agree thereto, in the way of local arbitration without having recourse to the Adawlut"[2] Duncan's recommendation was accepted by the Government[3]

On 19 September 1794, the Government furnished Duncan with instructions to introduce Cornwallis's system of justice in Benares This system had been introduced in Bengal and Bihar in 1793 It was the intention of the Government to bring Benares into line with Bengal and Bihar According to this system the collector was deprived of his judicial duties and was henceforth confined to the work of revenue administration His Revenue Court was abolished He ceased to be a magistrate All his powers except that of the collection of revenue were vested in the Judge Magistrate According to the regulations of 1793 and 1794, Bengal and Bihar had been formed into four judicial divisions The civil and criminal justice in each division was committed to the Provincial Court of Appeal and the Court of Circuit These courts were to hear appeals from the courts of the Judge Magistrates It

[1] Duncan to Government, 2 October 1791, Consultation 14 October 1791, Bengal Revenue Council, Range 52, Vol 36, pp 314-315

[2] Ibid p 316

[3] Resolution of the Board 14 October 1791, Consultation 14 October 1791, Bengal Revenue Council, Range 52, Vol 36, pp 319-320

was intimated to Duncan that it was the intention of the Government that the Zamindari of Benares should be considered as the fifth division

The Government proposed the establishment of two civil courts in the first instance, one on the northern side of the Ganges and the other on the southern side A court for the trial of civil cases was likewise to be established in the city of Benares For hearing appeals from the decisions of the city court and the two Zila courts and for the trial of criminal cases, a civil and criminal court was to be established It was to be known as the Provincial Court of Appeal and the Court of Circuit for the division of Benares The Government also recommended the withdrawal of all judicial authority from the amils Duncan was asked to communicate his sentiments on these proposals [1]

Duncan submitted that the creation of the two courts of judicature as proposed by the Government would not be sufficient to hear the numerous cases that would come before them He felt that the division of the province by the Ganges was not the one best adapted for the local jurisdiction of the courts He therefore suggested that, exclusive of the city of Benares, three courts should be established, at the towns of Mirzapur, Jaunpur and Ghazipur He also suggested that the amils should not be divested of all police powers He felt that they would be useful for the collection of revenue and the maintenance of peace in their jurisdictions [2]

Duncan's suggestions were accepted by the Government and the new regulations were introduced in Benares in May 1795 The Indian judges of the town courts were replaced by English judges The jurisdiction of the courts extended to the jagirdaries as well except those of the Raja Complaints from the Raja's jagir were to be dealt with by the collector and the Raja

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[1] Ibid

[2] Duncan to Government 20 October 1794 Consultation 7 November 1794 Bengal Revenue Council, Range 53, Vol 21, pp 635 637

jointly [1]

Besides establishing courts of justice in the province of Benares, Duncan also directed his attention to the difficulties arising out of the characteristics of the Islamic criminal law which he considered as defects He found that the Islamic law on murder was inadequate and needed radical alteration if life was to be made secure Abu Hanifa, whose views were generally followed in Bengal, had classified homicide into two kinds known by the terms *Amd* (wilful murder) and *Shabihamd* (culpable homicide not amounting to murder), although no such distinction was made in the Koran This distinction Abu Hanifa had based on the method that was applied for the commission of the crime A man could be guilty of murder and be liable for capital punishment only if he used a knife or some other blood drawing weapon

Persons guilty of Shabihamd were merely liable to pay some blood fine or compensation to the relatives of the victims, if the relatives chose to accept it Abu Yusuf and Muhamad, though disciples of Abu Hanifa, differed from him regarding the punishment of homicide, laying down the more rational doctrine that if the intention of murder be proved no distinction should be drawn with regard to the method employed [2]

The other characteristic of the Islamic law was that for the full punishment of murder prosecution by the next-of kin was required, and in default of this, however clearly a case might be proved only a slight punishment at the discretion of the magistrate was inflicted on the murderer Moreover, the Islamic law gave the sons or next-of kin the privilege of pardoning the murderer of their parents or kinsmen [3]

Moreover, according to the Islamic law, the evidence of two women was equal to one man and a Muslim's word was accepted as the equivalent of two Hindus No Muslim could be capitally convicted on the evidence of

[1] Regulation VII and XV of 1795

[2] Aspinall A *Cornwallis in Bengal* pp 53 54

[3] Ibid pp 56-57

a Hindu [1]

Duncan not only perceived these characteristics of the Islamic law but also directed the attention of the Government towards them It was at Duncan's suggestion that the Government ordered that in trials of murder in the courts of Benares, the doctrines of Yusuf and Muhammad should be followed [2]

He also directed the attention of the Government to the power of pardon given by the Islamic law to the next-of-kin of the murdered man He referred to the Government actual instances whereby the enforcement of this principle there were failures of justice In one case the son and the daughter of a woman, who had been poisoned with 'dhatura' took Rs 32 from the murderer and then refused to prosecute [3] This misplaced power of life and death made the fate of the murderer largely depend on the will of the murdered man's relatives Duncan wrote to the Government, "It cannot perhaps be too often repeated or seriously considered, that the Mahommedan Criminal Law is in many respects very ill adapted to this country, and state of society, and that some of its Institutes tend evidently to the encouragement of crimes, and more especially of the greatest of all, viz murder, by the facility with which the heirs of the deceased are in general induced to pardon the criminal "[4] He impressed upon Cornwallis to abrogate it He wrote, "I flatter myself that your lordship's administration will be distinguished, by a reform in this, as well as in the other Departments of Government, an abrogation of this single law, by which the Pardon of Murder is left to the option of the nearest of kin, would

[1] Ibid, p 60

[2] Duncan to Government, 4 July 1791, Consultation 15 July 1791, Bengal Revenue Judicial, Range 127, Vol 74, pp 482-483

[3] Duncan to Government, 3 November 1788, Consultation 28 November 1788, Bengal Revenue Consultations, Range 51, Vol 27, pp 495-496

[4] Duncan to Government, 3 June 1789, Consultation 10 June 1789, Bengal Revenue Consultations, Range 51, Vol 36, p 949

I am persuaded alone save many Lives "[1]

Duncan also found in the city court of Benares, a murderer who had been six years under trial, because the next-of-kin of the murdered man was not forthcoming, although there existed complete evidence of the guilt of the murderer On 28 October 1788, he transmitted to the Government two cases of theft and robbery He pointed out that, "In the first the charge was fully proved, but so defective are the principles of the Mahommedan law in criminal cases, that merely because the owner of the goods stolen, a Mahratta traveller, is not forthcoming to claim the infliction of legal punishment, the offender in this instance, whose name is Munsah, cannot be made subject to suffer what would otherwise be his sentence "[2] In the second case also he found the guilt to be fully established but the offender could not be punished according to the Islamic criminal law [3] Duncan wrote to the Government, "In short, the circumstances appeared to me so pregnant with proof against Achchla that, joined to the previous confession of his wife, I can entertain no doubt of his guilt, yet because, by the Mahom medan law, the evidence of two women and one man, or of two men, is requisite to convict a thief, this person could not be pronounced guilty by the law of the Koran '[4] He submitted to the Government that there were so many defects in the Islamic criminal law that "to its operation and the immunities it granted in various instances to offences may justly be described the frequency of more than one crime amongst the natives I hope therefore a reform may soon take place in this very material branch of our Government, but till then I conceive it of course my duty to be guided as a general rule by the law in question, and the only degree of exemption I would wish your Lordship to allow me from

[1] Ibid , p 950
[2] Duncan to Government, 28 October 1788, Consultation 28 November 1788 Bengal Revenue Consultations, Range 51, Vol 27, pp 491-492
[3] Ibid , pp 492-493
[4] Ibid

the latter of its presumption is that whenever they tend evidently to defeat the ends of public justice, I may be authorised to supply such occasional defects, reporting every such instance of deviation, either before or after passing sentence, to your Lordship in Council, for as I have the charge, I am not inclined to frustrate the aim and end of it by avoiding the responsibility necessary to ensure the good effects of which it may be susceptible, but at the same time I wish to proceed no further than may be perfectly agreeable to the sentiments of the Government "[1]

The Government therefore authorised Duncan to exercise a certain degree of discretion in correcting the defects of the Islamic law where by strict adherence to it, criminals would escape unpunished [2]

Duncan also pointed out that the Islamic law because of its defects proved more severe on the Hindus, who formed the majority of the population The Hindus had "to suffer from the defects of a law not solely their own, and ill adapted to their habits, and imposed on them solely by the power of the sword "[3] Duncan's feeling for the Hindus in this matter might be attributed not only to his sympathetic attitude to Hinduism but the fact that the Hindus formed the bulk of the population there and he wanted to make a good impression on their hearts He also mentioned to the Government the defects of the Islamic law of evidence under which the Hindus were suffering In 1792 the law of evidence was improved and it was made possible for the death sentence to be passed on Muslims on the evidence of Hindus [4]

It seems that Duncan's suggestions went a long way in convincing the Government of the defects of the Isla-

[1] Ibid , pp 493-494

[2] Resolution of the Government, 28 November 1788, Consultation 28 November 1788, Bengal Revenue Consultations, Range 51, Vol 27, pp 504-505

[3] Duncan to Government 28 October 1788, Consultation 28 November 1788, Bengal Revenue Consultations, Range 51, Vol 27 pp 493-494

[4] Resolution of the Board, 27 April 1792, Consultation 27 April 1798, Bengal Revenue Judicial Vol 79, pp 34-40

mic criminal law. Although even before the Regulations of 1790, the Governor-General-in-Council revised the sentences passed by the Naib Nazim but it was not quite frequent. They interfered with greater frequency in Benares, which was on a different footing from Bengal. Cornwallis's minute of 3 December 1790 covered all the defects of the Islamic criminal law which had been brought to the notice of the Government by Duncan.

The maintenance of law and order in the province also attracted Duncan's attention. Benares had been deficient in law and order for quite a long time. Duncan tried to improve it. The maintenance of law and order in the city of Benares and the towns of Jaunpur, Ghazipur and Mirzapur was vested in the judge, who had also to perform the duties of a magistrate for the town. The city of Benares and each of the towns were divided into wards and placed under a daroga. In the city of Benares the official establishment of police was assisted by such chaukidars as the respectable inhabitants of that place maintained in their private pay.[1] In the rural areas the amils were made responsible for maintaining peace and apprehending all disturbers of it in their respective areas. They were also required to produce criminals for trial before the Mulki Adalat as well as to recover, or failing that to make good the value of all property stolen, within their respective boundaries.[2] On Duncan's suggestion this system continued even after the introduction of the new regulations in 1795. The continuance of police powers in the hands of the amils and the zamindars was quite contrary to Cornwallis's principles. But Cornwallis's policy of divesting the zamindars and amils of all coercive power was not in fact found

[1] Translation of a report on the manner in which the nightwatch of the Police is conducted in the city of Benares, included in Shakespear's *Selections from the Duncan Records*, Vol. 1, Appendix I.

[2] Proceedings of the Resident at Benares, 7 October 1788, included in Shakespear's *Selections from the Duncan Records*, Vol. I, pp 56-58.

adequate to maintain law and order In 1807 it became necessary in Bengal to re invest a number of zamindars with powers of police jurisdiction [1] Moira in his minute of October 1815 emphasized the expediency of associating the zamindars in the maintenance of law and order [2] —a reversion to the practice of 1792 of which Cornwallis had been very critical

To establish regular courts of justice and to make regulations for law and order was one thing but to administer and enforce them was another In this Duncan had to contend with many difficulties There were the European soldiers who thought themselves above the law and committed crimes There were also the foreign princes who came to Benares, quarrelled among themselves and instead of settling their quarrels in the Company's courts, tried to settle them by fighting among themselves Then there were the Rajkumars and Bisainis who defied the authority of the Government, and when an attempt was made to suppress them, went to Oudh, which was out of the Company's jurisdiction

Duncan tried to deal with all of them He referred to the Government an incident where an European soldier named Francis Feglishter, had wounded three or four Indians with an iron hatchet [3] Duncan sent him to Chunar and suggested to the Government that the trial should be held there He wrote to Cornwallis, "With regard to the place of trial, I trust your Lordship will not be displeased at my suggesting, that should the Prisoner be ordered to his Regiment for that purpose, the best Effect of the example will be lost, in regard to the Natives of *this part of the Country, independent of which consideration*, the hardship the witnesses will feel, in being obliged (should even their Expence [sic] be defrayed) to go so far from their Homes, to deliver their Evidence, will have a strong Tendency to deter them from seeking redress

[1] Aspinall, A, *Cornwallis in Bengal* p 122

[2] Moira's minute, 2 October 1815, *Modification of the Judicial System in the Bengal Provinces*, pp 34-42

[3] Duncan to Cornwallis, 29 January 1788, Public Record Office 30|11, Box 22

even when injured, to the degree they have been in the present Instance It therefore appears to me, that if the Trial could take place at Chunar, many advantages as far at least, as regards this country ensue from it "[1] The same procedure of sending military personnel to Chunar for trial was followed in another case [2] These measures show Duncan's anxiety to impress upon the people that nobody could defy the laws—not even the European soldiers of the Company

Duncan also tried to deal with the violent and arrogant proceedings of the Indian princes, especially the Marathas and their followers, either residing at or visiting Benares His political proceedings contain many references to the activities of the Marathas, particularly the Scindia and the Nagpur family, and the enormities they committed in Benares In March 1792 the peace of Benares was threatened because of a conflict between the vakils of Mahadji Scindia and the Raja of Berar [3] It arose over a house which was occupied by Sadashiva Khande Rao, Scindia's vakil The Nagpur family claimed the house on the ground that they had bought it They wanted it to be vacated by Sadashiva Khande Rao, and eventually Beni Ram Pandit, on the part of the Raja of Berar, surrounded the house in question There was a danger of an affray between the representatives of the two powers but it was averted because of Duncan's intervention [4] He reported to the Government that he had always tried to conciliate the Marathas and in view of the war with Tipu had yielded to them "in sundry points farther than was consistent with the principles of any effective Government," but was sorry to find that instead of being obliged to the Company's Government for those

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[1] Duncan to Cornwallis 10 February 1788, Public Record Office 30|11, Box 142

[2] Duncan to Cornwallis, 17 September 1788, Public Record Office 30|11, Box 26

[3] Proceedings of the Resident at Benares, 23 March 1792, Public Record Office 30|11, Box 48

[4] Duncan to Stuart 24 March 1792, Public Record Office 30|11, Box 48

favours, the Marathas were making trouble in Benares[1] In the same year the Rani of Nagpur, instead of taking recourse to the Company's Court, had killed one of her servants, who had committed a homicide, by plunging his hands and feet in boiling water[2] Duncan wrote to Stuart, "It seems too evident that the Marhattas conceive themselves either entitled or permitted to set up in Benares an Imperium in Imperio under which it becomes very difficult to carry on any administration whatsoever"[3] In 1793, Duncan reported to the Government the insolence of Madho Rao, a mukhtar of Nana Fadnavis Madho Rao was disturbing the law and order of Benares by seizing every boat at the ghats and beating and confining such persons who opposed him[4] The Government protested to Nana Fadnavis against Madho Rao's insolence

But in spite of Duncan's repeated protests the Marathas continued to give trouble to him He wrote to the Government that "I have long observed with regret that the Mahrattas are in general but very little inclined to be thankful for, or duly sensible of the many favours that they receive in this city from the Company's Government where although it be no hyperbole to assert that they live much more at their ease and enjoy greater security (not to mention an entire exemption from Taxation) than in their own cities they still occasionally betray a disposition to exact rather than thankfully to receive all these favours"[5]

Duncan had also to face the rebellions and invasions, which frequently occurred towards the borders of Oudh

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[1] Ibid

[2] Duncan to Government, 27 May 1792, Consultation 8 June 1792, Bengal Political Consultations, Range 114, Vol 58, pp 432-435

[3] Duncan to Stuart, 24 March 1792, Public Record Office 30|11, Box 48

[4] Duncan to Government, 19 May 1793, Consultation 27 May 1793, Bengal Political Consultations, Range 115, Vol 5, pp 672-678

[5] Duncan to Government, 13 July 1794, Consultation 28 July 1794, Bengal Political Consultations, Range 115, Vol 25, pp 1108-1109

n his report of 26 April 1789 he mentioned the lawless habits of some of his subjects living in the northern part of Jaunpur Of these the most troublesome chiefs were Zalim Singh of the Rajkumar tribe and Sultanat Singh of the Bisaini tribe

In the beginning of Duncan's administration Zalim Singh, who used to pay a fixed juma of Rs 1,200 refused to enter to Kabuliyat for the revenue Sheolal Dube, who was the amil of Jaunpur, complained to Duncan against Zalim Singh's conduct Duncan was at first unwilling to employ a military force against him till all other expedients had failed He asked his sheristedar to correspond with Zalim Singh [1]

Meanwhile, Zalim Singh, after burning several villages and committing great devastations in Oudh, came into Jaunpur with a rabble army of several thousands of his followers A certain Gurudutt Singh took advantage of his presence and attacked the house of a kinsman against whom he had a grudge He burnt the house to the ground and a number of inmates perished in the flames After this, he took refuge with Zalim Singh or fled away into Oudh Duncan did not tolerate this law lessness in Jaunpur He sent a force against Zalim Singh, induced him to retire from Jaunpur and to enter into an agreement to pay the annual revenue of his talukas [2] Duncan felt that such disturbances could not be checked without the cooperation of the Nawab Vizier of Oudh He wrote to the Government, "To devise sufficient Remedy for Evils of this nature is perhaps impossible whilst the Vizier allows the same sort of People on his side of the Borders to commit such excesses with Impunity but this Listlessness on the part of the Vizier's Government, may I think be remedied by application and Recommen dation to his Excellency from your Lordship, and Rest it strikes me that Good might ensue, first by a proper line of Boundary being fixed upon between the Nabob's

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[1] Duncan to Government, 26 April 1789 Consultation 17 June 1789, Bengal Revenue Consultations Range 51, Vol 37, pp 161-163

[2] Ibid, 167-168

and our Districts, especially on the Juanpoor side, where the present line is exceedingly intricate and complicated, 2ndly by a Division if possible of the subjects on the two sides, so as no Rauji Koomar in particular should hold Land in both Countries"[1]

Another troublesome chief was Sultanat Singh, the talukdar of Badlapur[2] In 1789, Sheolal Dube, who had been entrusted by Duncan with the management of Jaunpur, granted a lease of Badlapur at an enhanced revenue to some kinsman of him This threatened the tranquillity of the district The lease, however, was cancelled by Duncan[3] There was no change in the situation till 1793 In that year Sultanat Singh neglected to pay his fixed revenue, and it was demanded by Sheolal Dube from the persons who had given security for its payment[4] The sureties upon this sat dharna before the door of the talukdar's fort in the hope that he would repay them When they found that their hopes were vain, they suggested to Sheolal Dube that the seizure of Sultanat Singh could easily be effected by the detachment of a company of sepoys This attempt was not successful and Sultanat Singh escaped into the jungles of Oudh, from which he made constant incursions into the Jaunpur district[5] Treves, during Duncan's absence in Malabar, published a notice of the auction sale of Sultanat Singh's estate but it was censured and cancelled by the Government[6] Duncan on his return from Malabar tried to bring him to terms but failed Sultanat Singh s taluka was therefore kept amani for some time Duncan proposed to give

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[1] Ibid, pp 169-170

[2] Ibid, p 157

[3] Ibid, pp 158 159

[4] Arzi from Sheolal Dubey received 17 July 1793, Consultation 7 March 1794 Bengal Revenue Council, Range 53, Vol 13, pp 204-205

[5] Extracts from the proceedings of the Acting Resident at Benares of 2 August 1793, Consultation 7 March 1794, Bengal Revenue Council Range 53 Vol 13 pp 241-242

[6] Resolution of the Government 7 March 1794, Consultation 7 March 1794 Bengal Revenue Council Range 53, Vol 13 pp 1199 1201

the taluka of Badlapur to Sultanat Singh's son and hoped that it would deter him from creating disturbances in the taluka He also proposed a monthly allowance of Rs 70 per month for Sultanat Singh and permission to live in Benares (except Badlapur) or in Oudh if he accepted the above arrangement and desisted from making disturbances[1] Sultanat Singh did not agree An attempt to arrest him also failed and he continued to give trouble

At the time of leaving Benares Duncan confessed to Ross that "I have not however been equally lucky in keeping the country entirely quiet" He continued that Sultanat Singh, "who having rebelled during my continuance in Malabar & rejecting or evading all the conciliatory propositions I made to him on my return, has finally with his co adjutor (the Zauleem Sing—whose name you must remember in my former correspondence) been expelled by the troops at Jounpoor, and as an example, Sultanat's Talooka has been confiscated and let out again, on a very advanced rent to other proprietors"[2]

Duncan thought that the presence of an easy shelter in Oudh served to encourage the rebellious chiefs He felt that "the vicinity of the border thus operates, in the minds of the public, or at least of all those who wish to be refractory, as an encouragement to M behaviour, since after doing what mischief they please on our side, they have within sight a ready & sure asylum in only crossing the line of frontier, and it will accordingly be found that almost every breach of peace that has for these 7 years past occurred within the District of Benares, has happened in those Perghs on the immediate frontier, an evil, *to which I adverted in my letter to the BD as long* as in 1789—on the occasion of one of the first inroads made by Zauleem Sing, & his Lordship then meant to have made some arrangements with the Vizier in consequence, but, probably from obstacles that could not then

[1] Duncan to Government 14 May 1795, Consultation 15 May 1795, Bengal Revenue Council Range 53 Vol 30 pp 210-215

[2] Duncan to Ross, 30 August 1795, Home Miscellaneous Vol 741

be got over the subject was postponed, and is now again, in consequence of the recurrence of similar effects, to be taken up by Cherry,[1] to whom I heartily wish all success, but fear, that until there be a Govt. of some energy on the Oude-side of the boundary, we cannot expect that entire and permanent quiet can be preserved in ours."[2]

On the whole, the administration of justice and law and order appear to have been satisfactory. There was a considerable security to life and property. "The sanctions of civil discipline have succeeded to lawless outrage, to robbery and murder, a message from a single officer of the Police is now sufficient for the collection of assessments, which even in the celebrated administration of Balwant Sing required the enforcements of an Army."[3]

[1] Resident at Oudh.

[2] Duncan to Ross, 30 August 1795, Home Miscellaneous, Vol. 741.

[3] Beaufoy's report on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous, Vol. 379, p. 201.

the East India Company[1] He planned to write a book on ancient Persia—a wish which does not seem to have been carried out but which reflects his literary and historical taste[2]

Duncan's love for learning is also manifested in the establishment of the Hindu College In 1791, he proposed to the Government that a certain proportion of the surplus revenue of the province of Benares should be set apart for the foundation of a Hindus' College "for the preservation and cultivation of the Laws, Literature and Religion of that Nation, at this centre of their faith, and the common resort of all their tribes[3]

It should be remembered that it was the policy of the Company's Government not to interfere with the personal religion of their Indian subjects All civil cases were to be decided according to the religion of the parties In cases where the parties were of different religions, the law of the defendant was to be followed Crimes were to be tried according to Islamic law It was therefore essential for the Government to give encouragement to the learning of Hindu and Islamic Law A compilation of Hindu and Islamic Law known as the *Code of Mahomedan and Gentoo Law* had been made by Halhed in 1776 Hastings established the Calcutta Madrasa in 1781 for the promotion of Muslim learning and Islamic Law but no organised effort had been made for the promotion of Sanskrit learning and the study of Hindu Law except the establishment of the Asiatic Society in 1784

Duncan seems to have realised this deficiency He felt that the establishment of the College would be useful to the Government It would have two important advantages "the first to the British name and nation, in its tendency towards endearing our Government to the Native Hindus, by our exceeding in our attention towards them and their systems, the care shown even by their own

[1] Bruce s Letter Book, Home Miscellaneous Vol 456e, pp 178-183

[2] Duncan to Ross 19 April 1810 Home Miscellaneous Vol 741, pp 97 98

[3] Duncan to Government 1 January 1792, Home Miscellaneous, Vol 487, pp 29-30

Native Princes For although learning has ever been cultivated at Benares in numerous private seminaries, yet no public institution of the kind here proposed ever appears to have existed, to which may in a considerable degree be attributed the great difficulty by now collecting complete treatises (although such are well known to have existed) on the Hindu religion, laws, arts or sciences, a defect and loss which the permanency of a College at Benares must be peculiarly well adapted to correct, and recover by a gradual collection and correction of the books still to be met with, (though in a very dispersed and imperfect state) so as with care and attention, and by the assistance and exertions of the Professors and students, to accumulate, at only a small comparative expense to Government, a precious library of the most ancient and valuable general learning and tradition now perhaps existing in any part of the globe

"The second principal advantage that may be derived from this institution, will be felt in its effects, more immediately, by the Natives tho' not without being participated in by the British subjects, who are to rule over them, by preserving and disseminating a knowledge of the Hindoo Law and proving a Nursery of future Doctors and Expounders thereof to assist the European Judges in the due regular and uniform administration of its genuine Letter and Spirit to the body of the people "[1]

The food scarcity and the decrease in the receipts of customs at first induced Duncan to give up the design altogether but 'as the intention had become known, and the professors collected, I was, on further reflection unwilling to postpone and thereby perhaps altogether risk, a permanent advantage for a temporary difficulty, so that confiding in that justice and liberality which I have hitherto so uniformly experienced from the present administration, I have ventured to institute and open this academical Institution for which I now beg leave very earnestly to solicit the sanction, support and approbation of Government '"[2]

[1] Ibid, pp 30 32
[2] Ibid, p 35

Duncan limited the expense to Rs. 14,000 for the first year but recommended that Rs. 20,000 per annum should be sanctioned for the subsequent years.[1]

He also framed rules for the administration of the college. The Governor-General-in-Council was to be the Visitor of the College and the Resident his deputy. Provision was made for the grant of financial assistance to nine poor students. Discipline was to be conformable in all respects to the Dharmashastras. All the teachers except that of medicine were preferably to be Brahmans. Qualified Brahman teachers were to have preference over others in succeeding to the headship of the College, and the Brahman students in succeeding to the professorship. This shows Duncan's partiality for the Brahmans. This partiality might have arisen because of his natural syspathies for them or because of the fact that they dominated society there and Duncan wanted to be popular with them. Each professor was required to compose annually a lecture on his subject for the use of his students and copies of such lectures were to be delivered to the Resident. Provision was also made for the employment of students in transcribing or correcting books for the college "so as to form in time a perfect library."[2]

The college was opened on 28 October, 1791 and Duncan made his first visit to the college on 17 November, 1791.[3] His establishment of the College was granted a retrospective sanction by the Government. He was authorised to spend Rs. 14,000 for the College in the first year and in the event of the surplus collections not proving adequate for its expenses, he could pay the whole expense from his treasury. He was permitted to increase the establishment to Rs. 20,000 per annum from the next year provided there was a possibility of surplus collections, otherwise, the expense was to be restricted to the

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[1] Ibid.

[2] Extracts from the Proceedings of the Resident at Benares, 1 December 1791, Home Miscellaneous, Vol. 487, pp 39-46.

[3] Ibid.

sum authorised for the current year [1]

The Governor-General-in Council wrote to the Court of Directors concerning the establishment of the Hindu College that they had "no doubt but it will be productive of the public benefits expected to result from it, Benares being held in the highest veneration by the Hindoos, and resorted to by persons of that persuasion of all ranks and casts [sic] from every part of India, an Institution founded expressly to promote the study of Laws and Religion must be extremely flattering to their prejudices, and tend greatly to conciliate their minds towards the British Government Exclusive of these Political considerations, so long as we profess to govern the Hindoos by their own Laws, it is essentially necessary that the study of them should be encouraged, lest in addition to the evils which result from the defects in the Law itself, the People should suffer thro' the ignorance of the Expounders of it'[2] The Court of Directors approved of the establishment of the College and wrote to Bengal that "the policy and liberality of this Institution has induced us to consent to its Establishment"[3]

The College served the purpose for which it was established Students from different parts of India used to read there It also supplied qualified Pandits for the posts of law officer under the Company when Cornwallis's system was introduced into Bengal and Bihar in 1793 [4]

Duncan showed an interest in ancient things He is credited with the discovery of Sarnath [5] In January 1794, the men of Jagat Singh, the Diwan of Chait Singh, while digging for stones near Sarnath in order to erect a market place, found two boxes—one stone and one marble The marble box was taken to Duncan but the stone one was

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[1] Governor-General in-Council to Duncan, 13 January 1792, Home Miscellaneous, Vol 487, pp 49-50

[2] Extract of Revenue Letter from Bengal 10 March 1792 Home Miscellaneous, Vol 487, pp 52 53

[3] Extract of Revenue Letter to Bengal, 25 June 1793, Home Miscellaneous, Vol 487, p 55

[4] Nicholls *History of the Sanskrit College* p 5

[5] Altekar, *History of Benares* p 68

left undisturbed in its original position The marble box contained a few human bones, some decayed pearls, gold leaves, and other jewels of no value which were presented by Duncan to the Asiatic Society of Bengal [1] At the same place was also found a statue of the Lord Buddha bearing an inscription dated Samvat 1083, or 1026 A D An imperfect translation of this inscription was given by Wilford, the surveyor of Benares at that time [2] There were several opinions about the human bones some believed the bones to be those of a royal consort who imolated herself on her husband's death or for some other important cause, and whose relatives had prepared this receptacle to contain her remains [3] Others held the box to have been a temporary reliquary, where the bones awaited the final disposal in the Ganges, according to the Hindu tenets [4] Duncan disagreed with these inferences He thought that the bones belonged to one of a set of the Buddha worshippers—which accounted for the statue being found in the vicinity—who deposited their bones in the earth, instead of the river [5] Time has proved that Duncan was right, for the Sarnath remains, one of the most renowned in India, established the existence of a temple, built on the spot where the Buddha preached his first sermon

This discovery would appear to have stimulated the curiosity of the British officers It is very likely that the influence of Duncan might have stimulated, if it did not first awake the zeal of Captain Wilford, the then surveyor of Benares and later regarded in Europe as a great antiquarian

Duncan also tried to correct the social abuses then prevalent It should be borne in mind that the East India

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[1] Duncan, 'An account of the discovery of two urns in the vicinity of Benares," Asiatic Researches Vol V, p 131

[2] Cunningham *Archaeological Survey of India* Vol I, pp 113-114

[3] Duncan An account of the discovery of two urns in the vicinity of Benares Asiatic Researches, Vol V p 131

[4] Ibid

[5] Ibid

Company being a commercial concern, social and educational problems did not form part of a general policy. Moreover, as matters of social reform involved interference with Hindu practices which seemed to have the sanction of religion, a policy of social reform was not without risk of the Company's intentions being misunderstood. There were doubtless instances of attempts being made to know and to understand indigenous law and literature, customs and usages. The establishment of the Calcutta Madarsa, the Asiatic Society of Bengal or even of the Sanskrit College at Benares were examples indicating a desire to understand Hinduism and Islam. But these were the results more of the personal initiative of certain individuals rather than any part of the Company's policy. From a perusal of the contemporary writings of the Christian missions or even of certain individuals like Charles Grant and Wilberforce it seems that their attitude was more of derision than of sympathy. They wanted to relieve Indian Society of ignorance and superstition, of social evils and corruptions but they wanted to reform the Hindus by converting them to Christianity rather than permit them to cling to their own persuasions. Duncan's social reforms must be viewed in this context. He was guided more by a zeal for reform than by considerations of converting the indigenous population to Christianity. He seems to have been interested in the Hindu religion. He was impressed with the old traditions of Hinduism and the richness of the Hindu literature. He was particularly sympathetic to the Brahmans. He showed an interest in Hindu saints as is evident from his article, "An Account of Two Fakeers, with their Portraits" in the Asiatic Researches.[1] He describes the travels of the two saints to different countries of the world. From his article it appears that he held them in respect—a further indication of his sympathies towards Hinduism. It is interesting to find that he carried out his reform on the basis of Hindu scriptures.

[1] Duncan, "An Account of Two Fakeers, with their Portraits," Asiatic Researches, Vol. V. pp. 37-52

He was the first British administrator who discovered the prevalence of female infanticide in the Rajkumar tribe of Benares The Rajkumars traced their descent from Raja Pethawara, the last prince of the Chauhan dynasty. They "originally were Rajpoots, and even exceeded that tribe in the wildness of their notions, and peculiarity of their manners, scarcely owning any allegiance either to the Nabobs or our Government "[1] The existence of the crime was discovered by him in 1789, in his tour through the district of Jaunpur

He first directed the attention of the Bengal Government to the existence of infanticide in Benares in October 1789 He wrote that it was "no infrequent practice among the Rajkumars to put their daughters, as born to them, to death, by immediately causing the mothers to starve them "[2] He observed that "this horrid custom is said to exist among some other tribes, more especially in the Vizier's dominions, and is thought to be founded in the Rajkumar tribe on the inherent extravagant desire of independency entertained by this race of men, joined, perhaps, to the necessity of procuring a suitable settlement in marriage for these devoted females were they allowed to grow up, and the disgrace which would ensue from any omission in that respect "[3]

Having made this discovery, Duncan did not content himself with merely reporting it officially to the Government, he applied himself sedulously to devise some plan by which it might be checked He assembled the Rajkumar chiefs, reasoned with them, and obtained from them a solemn covenant that they would renounce the practice[4] He also suggested that pecuniary rewards

[1] Duncan to Government, 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, pp 147-148

[2] Duncan to Government, 2 October 1789, Consultation 21 October 1789, Bengal Revenue Consultations, Range 51, Vol 49, pp 181-182

[3] Ibid

[4] Duncan to Government, 26 December 1789, Consultation 13 January 1790, Bengal Revenue Consultations Range 51, Vol 55, pp 572-575

should be offered to those who would assist in putting it down[1] He impressed on the Rajkumars that this practice was against the Hindu religion He had an extract from the *Vratim Vayanta Puran* translated "the killing of a woman is the greatest of crimes, and that the person guilty of such act, having gone into the nerk or hill called Kalsooter, shall remain there without nourishment, and be gnawed by worms for as many years as there are hairs on the woman's body, and shall remain there always in pain and misery, and afterwards, being born again in the lesser casts [sic], shall become a leper for the same number of years, and thereafter becoming of the cast [sic] of Sooder, shall be afflicted with the Zukhma or vomitting of blood Being again born of that cast [sic], he becomes the servant or valet of a Brahmin, by which he becomes exonerated"[2] He also made it known that in the same *Puran* it was mentioned that causing abortion was equal to killing a Brahman It was distinguished by the name of "broon hettea or foetus killing" The Rajkumars were persuaded to sign an agreement on 17 June 1789, expressing their intention to give up this practice As infanticide also prevailed among the Raghuvamsis of Chanwik Taluka and Mongra pargana in Jaunpur, Duncan took similar engagements from them He instructed the amil of Jaunpur to enforce the covenant and to apprehend and send into Benares any Rajkumar who violated it[3] Duncan hoped that by these measures "this system of infanticide will be put a stop to, or be at least greatly lessened"[4]

It is significant to find that the lever employed by Duncan to stop this inhuman practice was religion Duncan knew full well that these practices were so deep rooted

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[1] Browne, *Indian Infanticide* pp 26-29

[2] Extract from the Proceedings of the Resident at Benares, 23 December 1789, Consultation 13 January 1790 Bengal Revenue Consultations, Range 51 Vol 55, pp 593 599

[3] Ibid

[4] Duncan to Government 26 December 1789, Consultation 13 January 1790, Bengal Revenue Consultations Range 51, Vol. 55, pp 574-575

and people so religious minded that legal prohibitions by Government would have little effect He seemed to have realised that the willing co operation of the people could be obtained in the removal of social evils only when the administrators looked to their religion with sympathy. As Shore observed, 'A prohibition enforced by the denunciation of the severest temporal penalties would have little efficacy in abolishing a custom which existed in opposition to the feelings of humanity and natural affection, and the sanction of that religion which the Rajkumars professed was appealed to in aid of the ordinances of Civil authority "[1]

Duncan, no doubt, had sympathies for Hinduism, and he recognised the high position of the Brahmans in society but he did not hesitate in dealing sternly with Brahmans who abused their position and influence This is evident from his efforts to end the reign of terror which some Brahmans had established over the Hindus of Benares by threatening to commit suicide, wounding themselves and murdering their relatives and perform dharna in order to compel them to act in accordance with their wishes[2] The power of pardon which was vested in the deceased's relations enabled Brahmans to commit murder with impunity, for hardly any Hindu prosecutor would willingly consent to the execution of a man of such high caste Moreover, the Brahmans according to local customs were exempt from capital punishment The result was that Brahman murderers became alarmingly numerous[3] They evaded payment of revenue and abated crimes In 1787 "three Bramins had not only refused the assessment due from their lands but had constructed a circular piece of wood within which they had enclosed

[1] Shore, On Some Extraordinary Facts Customs, and Practices of the Hindus Asiatic Researches Vol IV, p 341

[2] Beaufoy s report on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous, Vol 379, pp 190-193

[3] Extract from the proceedings of the Resident at Benares on 17 March 1789, Consultation 25 March 1789 Bengal Revenue Consultations, Range 51, Vol 33, pp 653-665

an old woman and seating themselves by it had prepared on the expected approach of the officers of the Revenue to set fire to the building and together with their victim to perish in the flames"[1] They were sometimes hired by the people to impede law and order "Whenever (says one of the farmers of the revenue) I attempt to restrain the usurpation of the Rajepoot of Naulpore the Brahmin he has hired, prepares himself to rip open his belly or to swallow poison, or to dash an infant on the stones"[2] Still more extravagant was the mode in which a Brahman avenged a private insult A case occurred in which a renter of land, who had a small pecuniary claim upon a Brahman, failing to recover his claim after several reminders entered the Brahman's house in his absence and took the purse which was kept under the pillow of the Brahman's wife The Brahman when he returned to his home took his wife and mother and other members of the family to the Ganges There he "called aloud on his enemy to make him restitution for his theft" and in the early morning he cut the head off his mother according to her command and began to beat drums[3] It was believed that "the spirit of the dead should not be allowed to sleep by the continued beating of a drum for 40 successive days at the end of which they imagined her desire for repose would be passed and that her ghost would become the incessant and eternal tormentor of all the branches of that family by which her own had been injured"[4] Beaufoy observed "That a tribe exempted by the prejudices of their notion from capital punishments should furnish assasins for pay is too natural to be heard with surprise, but that their fellow citizens should have made so complete a surrender of their judgement and their feelings as to permit the Brahmins to extort what

[1] Beaufoy s report on the measures adopted by the Governor-General and Council of Bengal in consequence of Instructions transmitted from the Court of Directors on 12 April 1786, Home Miscellaneous, Vol 379, pp 190 193

[2] Ibid

[3] Ibid

[4] Ibid

concessions they please by threat of mischief to themselves or by means of violence to old women and infants and the sacred animal they venerate is novel in the history of *superstition* "[1]

Duncan did not tolerate the abuse of their position and influence by the Brahmans He wrote to the Government that "the custom in question was founded almost entirely on the inordinate pride and self-esteem in which this Brahminical tribe indulged themselves in this country."[2] Though he wanted to punish the Brahmans for their arrogance and lawlessness, he did not want them to suffer the death penalty for murder because it would have offended the religious susceptibilities of the Hindus He recommended to the Board to revoke the sentence of death passed on a Brahman murderer at Benares, which they had earlier confirmed [3] He stated that the Brahmans were exempt from capital punishment This was mentioned in the translation of the *Code of Gentoo Laws* by Halhed, which expressly declared that "there is no crime in the world so great as that of Murdering a Brahmin nor shall he be ever cut off his Limbs" and that "if a Bramin hath murdered another Bramin the Magistrate shall brand him in the forehead with the Mark of a Man without a head "[4] Such heinous crimes when committed by Brahmans could also be punished by banishment or confiscation of property He also emphasized the local situation of Benares which was the sacred centre of the Hindu faith [5] This recommendation for the exemption of the Brahmans from the death penalty illustrates Duncan's awareness of and respect for the sentiments and traditions of the people under his charge

The Board revoked the sentence of death passed on

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[1] Ibid

[2] Duncan to Government, 26 April 1789, Consultation 17 June 1789, Bengal Revenue Consultations, Range 51, Vol 37, pp 180-181

[3] Duncan to Government, 14 January 1789, Consultation 4 February 1789, Bengal Revenue Consultations, Range 51, Vol 32, pp 185-190

[4] Ibid

[5] Ibid

the Brahman murderer, and directed Duncan to inflict on him "the most severe and exemplary punishment which the Hindu Law allows to be inflicted on persons of that caste"[1] They added, "We desire, however, that you will assemble the principal pandits of Benares in your cutchery and publicly declare to them that we have remitted the sentence of capital punishment from a regard to their religious persuasions, and under the hopes that no instance will occur in future of a Brahmin being convicted of so horrid a crime, but as the exempting any description of persons whosoever found guilty of murder would, if adopted as a general principle, be injurious to the rights of a large proportion of the inhabitants of the British dominions in Bengal, now composed of people of various nations and religions, and whose persons and properties this Government is bound to protect, that they are not to expect a repetition of this lenity in any similar instance which may hereafter occur, but that in future, should any Brahmin be convicted of the crime of murder, he will be liable to suffer the punishment of death, in conformity to the established usages of the Muhammadan Government"[2]

This threat, however, does not seem to have been acted upon In March 1789 Duncan issued a proclamation that Brahmans guilty of killing would be banished and have their property confiscated and that their families would suffer with them But it seems that the number of Brahman murderers increased In September 1790 Duncan suggested that if Brahmans convicted of murder were transported to Penang "or to any other place where their relations would never more hear of them, the terror inspired by such a real banishment would, I am persuaded, soon have the happiest consequences" Accordingly the Government authorised him to issue a proclamation that Brahmans shall be banished to Penang (Prince of

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[1] Resolution of the Board, 4 February 1789, Consultation 4 February 1789 Bengal Revenue Consultations Range 51, Vol 32, pp 190-191

[2] Ibid

Wales Island) for intentional murder.[1] In 1792 Dharna was also declared illegal.[2] Duncan's proceedings with regard to the Brahmans clearly show that although sympathetic to the Brahmans he did not hesitate in punishing them who had behaved as if they were "in a state of independency of all power, civil or military."[3]

Not all his policies were acceptable to Indian opinion He found that Benares was a dirty city and there was no proper arrangement for sanitation. The streets and lanes were narrow and there was the concentration of a large population in a small space.[4] In 1790 Duncan made his first attempt to improve the sanitation of Benares. He diverted the fees and fines collected in the courts of Benares for improving the sanitation of the city.[5] Receptacles were kept for filth, and arrangements were made for removing it. Public latrines were constructed and some attempt was made to keep the streets and lanes clean.[6] These sanitary measures caused the greatest excitement among the people of the city. A large crowd presented a petition to Duncan complaining that the whole of his arrangements were "a novelty which made them apprehensive and disturbed them."[7] They gave notice to the shop-keepers "to shut up their shops and to effect what is known in this country under the name of hurtal, or complete stoppage of business of every kind, threaten-

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1 Extracts from the proceedings of the Resident at Benares on 17 March 1789, Consultation 25 March 1789, Bengal Revenue Consultations, Range 51, Vol 33, pp 653-665.

2 Duncan to Government, 28 December 1790, Consultation 7 January 1791, Bengal Revenue Consultations, Range 127, Vol 71, pp 4-9

3 Resolution of the Government, 2 November 1792, Consultation 2 November 1792, Bengal Revenue Judicial, Range 127, Vol 83, pp 618-619

4 Duncan to Government, 22 May 1791, Consultation 3 June 1791, Bengal Revenue Judicial, Range 127, Vol 74, pp 29-32

5 Ibid

6 Oldham, *Historical and Statistical Memoir of the Ghazeepoor District*, II, pp 208-209

7 Ibid

ing to plunder and rob those who should act otherwise"[1] After some conversation with the ringleaders, Duncan was able to impress upon them that the measures were designed for the good of the people, and not from any desinister motives Being convinced 'the ringleaders departed and dismissed the multitude, who thereupon returned, shouting their thanks and rejoicings, to their homes"[2]

These sanitary measures were continued by Duncan to the end of his administration A regular sweeper establishment was maintained for keeping the city clean[3] A drain was cut from the garden of Beni Ram Pandit to the Burna river which carried off a considerable amount of stagnant water But sanitation remained defective and even in 1795 Duncan noticed that "the inhabitants were so invincibly bent on adhering to their old practices, however prejudicial to their own healths as well as to the general cleanliness of the place, that he was fain to desist from the design he had entertained of cleansing the streets and removing other nuisances in a more effectual manner than what now seemed practicable to obtain their acquiescence in, notwithstanding that all the expense and additional charges of the measures intended to be adopted were meant to be defrayed not by them, as they well enough knew, but by Government"[4]

Duncan also constructed a hospital This was the nucleus of the King Edward Hospital He procured a grant of land from the Raja in 1787 for the hospital[5] It was at his suggestion that a surgeon was posted at Benares The Government had decided to withdraw the surgeon from Benares but at Duncan's request for the stationing of a surgeon because of "the Civil Establish-

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[1] Ibid

[2] Ibid

[3] Duncan to Government, 17 October 1792, Consultation 29 October 1792, Bengal Revenue Judicial Range 127, Vol 82, pp 493-494

[4] Duncan to Government, 18 March 1795, Shakespeare, *Selections from the Duncan Records* Vol I, p 264

[5] Seshadri, *Benares* p 48

ment now fixed here joined to the several European Gentlemen and British subject resident at Benares and in the vicinity & the number of Passengers both Civil and Military and others who either pass by this city or resort to it for their healths", the Government allowed the medical establishment to be continued at Benares[1]

Duncan also took effective measures to combat droughts and famines Although there was no famine in Duncan's time there was frequent scarcity of food grains In 1788 the monsoon failed in Benares and caused a great rise in the prices of grain Duncan took measures to fight against this scarcity He gave Rs 10,000 to a person to buy grain in small quantities in the neighbouring areas and to bring it for sale where it was most wanted, without its appearing to be the act of the Resident[2] The grain merchants of Mirzapur, Jaunpur and Ghazipur were told that the Government would not control the price of grain[3] This, Duncan thought, would enable the merchants to bring grains freely to the market He sent a circular letter to the Resident at Oudh and to the several collectors of Bihar to inform the merchants that because of the scarcity of grains in Benares he had taken off the five percent duty on the import of grain from Oudh and the Company's provinces[4] The Magistrate of Benares was asked to send daily statements of the price of grain in the city and the Qanungos were to deliver in weekly statements of the prices throughout the country Duncan also prohibited the export of grain[5] and limited the amount of grain to

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[1] Duncan to Government, 12 September 1787, Consultation 16 October 1787, Bengal Revenue Consultations, Range 51, Vol 12, pp 504 506

[2] Duncan to Government, 9 December 1788 Consultation 17 December 1788 Bengal Revenue Consultations Range 51, Vol 29, pp 268 269

[3] Ibid p 270 (wrong numbering, should be 280)

[4] Ibid, pp 277-279 (wrong numbering should be 287 289)

[5] Duncan to Government, 19 October 1788, Consultation 28 November 1788, Bengal Revenue Consultations, Range 51, Vol 27, p 541

be sold in one day to any one person He showed concern for the supply of grain to the poor. He asked the Chief Magistrate to cause the merchants of every market to supply the poor with grain, as "their not being duly furnished with, or being able to procure this necessary of life, may become a matter of great reproach to Government"[1] In the scarcity of 1791 Duncan repeated these measures

As drought and consequent scarcity of grain was frequent in Benares, Duncan in 1794 determined to erect granaries, and to store grain in good seasons for sale to the public in times of scarcity He was authorised by the Government to purchase 165,009 maunds of grain and to erect granaries at Chunar and Benares[2]

Duncan also gave his attention to the repair of roads and bridges The roads in Benares then were in the worst possible condition In October 1788 Duncan reported that the roads even in the vicinity of Benares were in an impassable state because there were no funds for repairs[3] He spent nearly Rs 1,000 for the repair of roads in the vicinity of Benares[4] He also made a grant for the repair of the great bridge at Jaunpur[5] He issued orders to the amils to keep the highway and roads within their respective limits in a due state of repair The zamindars and amils were required to supply labourers and defray expenses within their respective limits, but no cesses were to be collected on this account from the raiyats[6]

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[1] Proceedings of the Resident at Benares, 26 November and 30 November 1788, Consultation 8 December 1788, Bengal Revenue Consultations, Range 51, Vol 28, pp 579-581

[2] Duncan to Government, 11 August 1795, and 15 August 1795, Consultation 4 September 1795, Bengal Board of Revenue Proceedings (Grain), Range 89, Vol 29, pp 503 508

[3] Oldham, *Historical and Statistical Memoir of the Ghazeepoor district*, II, p 207

[4] Shakespeare, *Selections from the Duncan Records*, I, p 202

[5] Khyrooddeen Mohummad (tr Poyson, W R), *History of Jaunpur*, p 72

[6] Oldham, *Historical and Statistical Memoir of the Ghazeepoor district*, II, p 207

But the condition of the roads did not improve In 1793, Treves, the Acting Resident, reported to the Government the deplorable condition of the roads and the bridges in the neighbourhood of Benares and applied for Rs 3,000 for repairs to ten or twelve roads and bridges, which was granted[1]

In the final arrangements of 1794, for disposing of the surplus revenues of the province, one lac of rupees was allotted for the construction of a bridge over the river Burna to connect the civil station of Secrole with the city of Benares[2] It is to be regretted that in these arrangements a fixed annual allotment of the surplus revenues was not set apart for the construction and main tenance of roads

Duncan's measures endeared him to the people and made for him a place in their hearts He was remem bered by the people long after he left Benares[3] He had a soft feeling for Benares and also for the people of that place from the highest to the lowest In a letter to Corn wallis at the time of leaving Benares for Malabar, he wrote, "After being so long at Benares, Your Lordship will not, however, wonder that, I look on it now with some degree of affection, and I should therefore be very sorry, were it to suffer from my leaving it"[4] Benares was attractive to Duncan all through his life and we find in him when at Bombay a persistent desire to return there[5]

[1] Treves to Government, 22 September 1793, Consultation 4 October 1793, Bengal Revenue Council, Range 53, Vol 6, pp 821-823

[2] Duncan to Government 17 November 1794 Consultation 28 November 1794, Bengal Revenue Council, Range 53, Vol 22, pp 567 570

[3] Heber *Journey through the Upper Provinces of India* p 438, Perry, *Bird s eye view of India* p 229

[4] Duncan to Cornwallis, 12 August 1792, Public Record Office 30|11, Box 53

[5] Duncan to Ross, 24 March 1797, Home Miscellaneous, Vol 741

CHAPTER VII

DUNCAN IN MALABAR (1792-94)

By the Treaty of Seringapatam of 18 March 1792, Tipu ceded to the English the country of Malabar together with Palghat.[1] These territories comprised the several principalities of Cherical, Cottiot, Cartinad, Cannanore, Irvenad, Randaterra, Curminad and those areas which formed the dominions of the Samuri or Zamorin. The ceded territory also included Cochin, which had become a tributary of the East India Company from September 1790, and Coorg, whose Raja had aided the English against Tipu. The addition of such large tracts of territory to the domains of the Company presented several administrative and political problems. Although these territories comprising several small states had been under the suzerainty of Tipu, they differed enormously in their political and administrative systems. In most of the area, the economic condition of the people was low. The land revenue administration also presented a variety of problems. In order therefore that the ceded territories should be of any avail, an uniformity in administration had to be evolved.

With this end in view, soon after the conclusion of the Treaty, Cornwallis decided to make an enquiry into the state of Malabar. He accordingly wrote to Robert Abercromby, then Governor of Bombay, suggesting the appointment of a commission consisting of two members from Bombay who were to be afterwards joined by an equal number from Bengal, "to proceed on such enquiries as might lead to and supply requisite information towards the formation of such a permanent system for the future government of the country" as would "prevent internal dissensions among the chiefs, and.... secure under a regular administration of justice all those advantages to the Company which their situation and valuable productions are capable of affording both in revenue and com-

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[1] Logan, *A collection of treaties, engagements and other papers*, pp 137-142.

merce"[1] Cornwallis also suggested leaving it to the discretion of the commissioners to determine whether part or all the tribute of the previous year (1790 91) could be realised without causing distress or exciting disgust in any part of the country He recommended that no time should be lost in coming to an agreement with the chiefs for determining the amount of revenue for the current year[2]

In pursuance of these instructions, Abercromby appointed William Gamul Farmer, a Bombay civil servant and Major Alexander Dow as the two first commissioners from Bombay, who were afterwards joined by William Page, another civil servant from Bombay The Bombay Commissioners were required "to proceed with such enquiries as may ultimately enable them to establish a system for the regular administration of justice over all ranks, and as intermediate objects of exigency, they were desired to consider of the most advisable mode of preserving the internal peace of the country, and the securing from cruelty and oppression that class of inhabitants (the Mopillas) against whom the Nayrs have so rooted an antipathy, and preventing these petty hostilities which under the late Native Government were admitted of and even encouraged"[3] Another immediate article of discussion pointed out in the instructions was "the tribute to be paid for the present year (967 Malabar style) as well as the recovery of such part of last year's revenue as can be acquired without either oppressing the country or disgusting the different chiefs"[4]

Soon after their appointment, the Bombay Commissioners set out on their tasks and concluded temporary political and revenue arrangements with the several Rajas The Rajas of the northern districts were at first unwilling to acknowledge the Company's sovereignty

[1] Cornwallis to Abercromby, 23 March 1792, Home Miscellaneous, Vol 585, pp 1-6
[2] Ibid
[3] Malabar Report, 11 October 1793, *Reports and Regulations Malabar* 1792-1793, Vol I, pp 80-82
[4] Ibid

in every material point"[1]

The total of the first year's settlement made by the Bombay Commissioners in Malabar amounted to Rs 925,141 which was one third of the value of the country as stated in Tipu's jamabandi[2] This difference was due to the plea put forward by the several Rajas that their countrv had not only been overrated by Tipu, but was also then less productive than at the period of his assessments The Bombay Commissioners had on their part agreed to the reduced assessment with a view to encourage the growth of pepper, the revenue from which was given up on the condition that the Rajas would procure for the Company all the pepper grown in their territories at the rate of Rs 5 per maund[3] But the plan did not appear to have worked well as it was soon perceived that the pepper, especially in the northern districts, was taking its natural course to the best market[4]

It was at this stage that the Bombay Commissioners were joined by Jonathan Duncan and Charles Boddam, the Commissioners from Bengal Duncan and Boddam were furnished with instructions from the Government, which besides referring to the amount of progress already made by the Bombay Commissioners, directed a more minute enquiry into the situation of the Malabar country They were asked to enquire "in what manner justice had heretofore been, and may in future be, most advantageously, administered to all classes of the natives, the nature of whose several tenures, and more especially those of the Zamorin of Calicut and of the principal Rajahs and Nayrs and Moplas throughout that and the other parts *of the country were to be specified, accompanied with* estimates and statements formed on the best material they might be able to procure of the amount of revenue

[1] Shore s minute 24 February 1794, Consultation 24 February 1794 Bengal Political Consultations, Range 115 Vol 19, pp 329 330

[2] Ibid, p 334

[3] Ibid, p 335

[4] Ibid, pp 336 338

which the several districts are capable of paying"[1]

The Commissioners were also expected to devise a plan for the administration of justice in the several districts They were asked to furnish the Government with estimates of the revenue which could be reasonably assessed on the several states, and they were also informed that the Zamorin had suggested that in the beginning the Company should exact less from the Rajas than Tipu had exacted This was a wise suggestion, not only in the interests of the Company but also of the people of the ceded territories The Rajas would not only feel obliged to the Company's Government for the scaling down of their contributions, they would also provide the necessary improvements in the country Keeping this in view, the Bengal Government had recommended a progressive settlement for Malabar to the Commissioners The Commissioners were also instructed to provisionally divide the country into revenue divisions or collectorships and judicial jurisdictions both civil and criminal They were also empowered to appoint commercial agents

The instructions to the Commissioners also related to the pepper produced on the Malabar coast A provision was to be made in the revenue settlements so that as far as possible pepper might be taken instead of money payments It was also to be made known that whatever could not be secured in this way was to be bought by the Company's commercial agents The object of accepting pepper instead of money was to buy indirectly all the pepper produced in the area at the current market value so as to maintain an uninterrupted supply of this commodity which was so much in demand in the Middle East and European countries The Commissioners were directed to collect and furnish information on the general trade of Malabar Similar information about Travancore was also to be obtained so that the Raja could also be induced to enter into a commercial agreement under which the important products of the country could be

[1] Instructions to Duncan and Boddam, Home Miscellaneous, Vol. 585, pp 194-197

made available to the Company for export [1]

The instructions also provided that in case of difference of opinion between the Commissioners, Duncan's decision was to prevail [2] This was only proper, for besides being a man of wide experience and personal integrity, he had successfully introduced revenue and judicial reforms into Benares

Duncan and Boddam reached Malabar in December 1792 Abercromby had arrived there a week earlier to help the Commissioners in the formation of a plan for the general administration of the country He was satisfied with the choice of the two Commissioners from Bengal, and seems to have been especially impressed with Duncan He wrote to Cornwallis, "Messrs Duncan and Boddam appear to be highly deserving of the confidence reposed in them Mr Duncan is a man possessed of an excellent understanding and most engaging manners "[3]

The first major act of the Joint Commission was to proclaim a general freedom of trade with the exception of pepper and to institute an office of Enquiry and Report and a temporary court of justice to be superintended by their own members [4] They deputed Boddam and Page to Cochin to enquire into the state of that district, as well as to try to recover from the Diwan of Travancore the large sums of money which he, with the help of Sambhunath, the Zamorin's minister, had raised during the eighteen months that he possessed the chief influence in Malabar [5] But Boddam and Page failed to recover any amount from the Diwan, who denied having himself made any collections from the Company's part of Malabar, excepting those sums which he received through the Zamorin on account of debts due to the Raja of Travan-

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[1] Ibid

[2] Ibid

[3] Abercromby to Cornwallis, 27 December 1792, Home Miscellaneous Vol 585, p 197

[4] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol I, pp 139-141

[5] Ibid, pp 147-148

core for the support of his army.[1]

While Boddam and Page were engaged with the above enquiries, the remaining members issued a proclamation of general amnesty for acts of homicide, robbery, and same other offences committed prior to 1 February 1793.[2] This was adopted to pacify the lawless elements.

The Commissioners also considered the Cochin Raja's claim of superiority over the Nairship of Kaulpara and the question whether the three districts of Parur, All-ungar and Kunutnar, included by Tipu as part of his cession appertaining to Cochin, belonged to Cochin or Travancore. They rejected the Raja's claim to Kaul-para on the ground that he never paid any revenue for it to Tipu.[3] On the other question, the Commission discussed at length the claims of both the parties and left the matter for the final decision of the Government.[4]

They next turned their attention to the Raja of Coorg whose district was situated at the northern extremity of the Company's Malabar acquisitions. The Raja was alleged by Tipu to have committed depredations on his country. By the Treaty of Seringapatam, this Raja had been placed under the protection of the Company, but it was never their intention to interfere in the internal management of his country. This is clear from Cornwallis's instructions to Abercromby: "there will be no necessity for any new settlement with the Coorga Rajah as the amount of the tribute stated as payable by him in Tippoo's list is so trifling that he can have no difficulty in discharging it, and no further demand should on any account be made upon him."[5] Even though the Commissioners did not disturb the existing arrangement the Raja never became reconciled to having been converted by the Treaty into a tributary of the Company from be-

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[1] Ibid , pp. 161-162.

[2] Ibid., p. 200.

[3] Ibid , p. 159.

[4] Ibid , pp 154-155.

[5] Cornwallis to Abercromby, 23 March 1792, Home Miscellaneous, Vol. 585, pp. 1-6

ing an ally on equal terms during the war[1] This was clear from his communications with Captain Murray, who had been deputed into his district by the Commissioners to prevail on him to avoid hostilities with Tipu over certain boundary disputes[2] In spite of the best attempts of Murray to convince the Raja of the fair intentions of the Company's Government, the Raja showed himself indifferent to this interference, and dispensed with Murray's services[3]

The Commission then dealt with the Malabar country, consisting of the Zamorin's and other southern and northern districts

Notwithstanding the Articles of agreement entered into by the Zamorin with the Bombay Commissioners in August 1792, he renewed to the Bengal Commissioners on their arrival, the pretensions he had originally formed on the Kaul from Meadows The Commissioners referred the matter to the Bengal Government, who decided on 14 February 1793 that Meadows's Kaulnama "is so evidently limited to the duration of war that we do not conceive that either himself or his ministers even if they had furnished the assistance and performed all the services that they promised can seriously expect that it will be allowed to interfere either with the establishment of internal good order or with the demand of a reasonable rent to the Company for his possessions"[4]

Furnished with these instructions, the Commissioners deputed native inspectors to ascertain the rate of assessment in Arshad Beg's[5] jama The Zamorin pleaded that the assessment made by Arshad Beg had been high

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[1] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol I, pp 203-205

[2] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol II, pp 77-81

[3] Shore's Minute, 24 February 1794, Consultation 24 February 1794 Bengal Political Consultations, Range 115, Vol 19, pp 372-373

[4] Ibid, pp 375-376

[5] Arshad Beg was the Faujdar or general manager of Malabar on the part of Tipu

and the country had declined considerably after the assessment [1] After investigation by native inspectors the Commissioners felt that the assessment made by Arshad Beg was just and they were successful in bringing the Zamorin and his officers to an avowal that the existing resources of the country were quite sufficient for the payment of the full revenue assessed on it by Arshad Beg—which was the same as contained in Tipu's jamabandi [2]

In March 1793, the Commissioners in concurrence with Abercromby, established a plan for the administration of Malabar by the Company's officers They recommended that the administration should be committed to two superintendents, one to be stationed at Chephulcherry for the southern, and the other at Tellicherry for the northern division of the country [3] The superintendents were also to function as magistrates and were to act under the control of a Supervisor or Chief Magistrate, who was to reside at Calicut, considered the most central position on the coast A recommendation was also made for the abolition of all inland duties and the collection of duties on foreign exports and imports by the Company's own officers The plan also provided for the establishment of a mint on the part of the Company for the whole province [4] In short, the duties of the Supervisor and the superintendents were the preservation of peace and the administration of justice, the realisation of the revenue arising from the land and customs and the management of the mint, for which they were to be furnished with judicial, revenue, custom house and mint regulations Thus all powers were to be concentrated in the hands of the Supervisor and the superintendents, who were to exercise them in the best interests of the Company and the country [5] The system

[1] Malabar Report 11 October 1793 *Reports and Regulations, Malabar* 1792 1793, Vol I, pp 173-175

[2] Ibid, pp 180-181

[3] Ibid, p 193

[4] Ibid, p 196

[5] Ibid, pp 197-198

as introduced in Malabar, which provided for the concentration of all powers in the hands of the Chief Magistrate was closely based upon the system that existed in Benares It may well have been partly due to Duncan's knowledge of the successful working of the system in Benares

After this arrangement for the government had been established, Abercromby notified the details to the Rajas The Commissioners thereafter accompanied Abercromby to the northern districts with a view to ascertaining what settlements could be concluded with the local chiefs in that part of the country [1]

They began with the Bibi of Cannanore, whose fort and territory on the coast had been taken towards the end of 1790 by the Bombay troops under Abercromby Since then she had been called upon repeatedly, though without any success, for the payment of a revenue of about 30,000 Huns or Rs 90,000, the rent at which her country had been ceded to the Company by Tipu The Commissioners felt that this part of the jamabandi had been greatly overrated by Tipu's officers as the demand was not proportionate to the revenues of the country They persuaded the Bibi to pay Rs 14,340 As 6 p 1½ per annum to the Company with the arrears of the two preceding years The Bibi also agreed to furnish the Company with a part of the produce of her country and with half of the commercial profits she reaped from her monopoly of trade in coir, cowries and other articles in Laccadive [2]

The Commissioners next proceeded to discuss the terms of a settlement with the Raja of Chericai whose country excluding Randaterra had been valued by Tipu at Rs 2 lakhs per annum The Bombay Commissioners in their first settlement with the Raja had contracted for Rs 50,000 only The Joint Commissioners persuaded the Raja to pay for the next year Rs 1,25,000 including the revenue on the pepper vines The Raja also agreed

[1] Ibid, pp 200 201

[2] Ibid, pp 214-226

to renounce his monopolies on other important articles of trade.[1] This was evidently of immense advantage to the Company, and the Commission has to be given the credit for obtaining such favourable terms. Even then the Commissioners deferred the conclusion of a positive engagement until they had visited the other northern districts.[2]

The Commissioners then proceeded to the settlement of Randaterra, a district situated to the north of the Company's settlement of Tellicherry. The Bombay Commissioners had decided in October 1792 in consultation with Abercromby to retain Randaterra directly under the Company till the Raja of Cherical had cleared off the debt of Rs. 86,564 which he owed to the Company. This arrangement was confirmed by the Joint Commissioners.[3] The Raja contended that he had more than repaid the debts and claimed that on final accounting it was the Company which would owe him some amount. Duncan referred to the complete statements as drawn up by the Chief of Tellicherry and made a reference to the Government. He pointed out that on a bare comparison of the original sums the balance would be in favour of the Cherical Raja, but that the position would be reversed if simple interest was added to the amount. Duncan suggested that the balance be struck after adding simple interest and calculating the entries on either side.[4]

In the district of Irvenad situated in the northern division of Malabar, there were local chiefs called Nambyars. Though these chiefs were originally dependant on the Raja of Cherical, they did not render more than a nominal obedience. The Commissioners did not see any reason why this arrangement should continue and therefore gave an independent footing to the Nambyars and made them directly answerable to the

[1] Ibid, p. 226-233
[2] Ibid
[3] Shore's minute, 24 February 1794, Consultation 24 February 1794, Bengal Political Consultations, Range 115, Vol. 19, pp 414-415.
[4] Ibid, pp 417-419

Company By this act, the Commissioners, it seems, not only weakened the position of the Raja of Cherical but also created an ally for the Company who would always look to it for guidance [1]

The small district of Callay next attracted their attention This district was under the possession of Marco Antonio It had been alienated by the Raja of Cherical in 1758 by a deed of sale in favour of Pedro Rodrigues, the father of Antonio and linguist to the settlement of Tellicherry, to whom the Raja had expresely made over every right which he himself had possessed The rights of Rodrigues suffered an interruption for seven or eight years when Cherical was reduced by Hyder in 1766 Towards the end of 1776, he deserted his official situation at Tellicherry and persuaded Hyder to appoint him manager of that distict He remained in an uninterrupted possession of Callay till the raising of the siege of Tellicherry in January 1782 and was taken prisoner for aiding Hyder against the English He died in Bombay in 1784 but before his death the Government of Bombay had directed the Chief at Tellicherry that "with respect to the property and estates of Domingo Rodrigues, the late linguist, and of the other inhabitants of Tellicherry who either fled or joined the enemy during the late troubles, they must be secured for the present for the benefit of the Company and a regular account kept of their produce till we are able to determine respecting the disposal of them" [2] The Raja of Cherical maintained that Marco Antonio, the son of Rodrigues, did not regain the management of Callay until 1790 when he with the help of Major Dow captured it from Tipu The Raja based his claim on the ground that in 1784 when the district of Cherical reverted to Tipu, he did not admit of the separation of Callay or allow Antonio to occupy it The Raja therefore considered Callay as a part of Cheri

[1] Malabar Report 11 October 1793, *Report and Regulations Malabar* 1792 1793, Vol I, pp 242 244

[2] Shore s minute 24 February 1794, Consultation 24 February 1794, Bengal Political Consultations, Range 115, Vol 19, pp 427-433

cal and challenged its possession by Antonio The Commissioners held that the district of Callay should be kept under the direct management of the Company Although the Raja strongly objected to this order as being derogatory to his authority the Commissioners did not yield but referred the matter to the Government for final decision [1]

They next proceeded to Cottiot which was valued in Tipu's jamabandi at 40,000 Huns or about Rs 120,000 The Bombay Commissioners had contracted with the Raja for only Rs 20,000 and in spite of all attempts by the Joint Commissioners the Raja was not willing to pay a larger jama than Rs 55,000 This was not considered adequate by the Commissioners They therefore parted with the Raja without concluding any final terms of engagement as he referred them to his uncle, the Raja of Curminad, and promised to abide by whatever his uncle should conclude for him [2]

The Commissioners then turned their attention to Wynad, a district which had always constituted a part of the Rajaship of Cottiot till the year 1787 when Tipu forced the Raja to assign it to him The Raja was never reconciled to the loss of Wynad and took the opportunity of the late war with Tipu to reannex it But as it was not specified in the list of Tipu's cessions, one of Tipu's officers demanded its restoration The Raja of Cottiot was not willing The Commissioners found that without Wynad there would be a considerable excess in Tipu's valuation of the Cottiot country They therefore submitted to the Madras Government the expediency of securing Wynad to the Company by prevailing on Tipu to include it also in the list of cessions [3]

While the Madras Government were still in communication with Tipu on this subject, the Commissioners instructed the Raja of Curminad, who was a relation of the Raja of Cottiot not to make any immediate overtures to Tipu They also cautioned the Raja that even if Tipu

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[1] Ibid

[2] Ibid, pp 434-435

[3] Ibid, pp 437-443

sent any force into the contested territory, the Raja should not resist it.[1] It might well have been that the Commissioners thought that it would not be desirable for him to negotiate or clash with Tipu when the matter was already under discussion at governmental level between the Company and Tipu.

When the question of Wynad was still in abeyance the Raja of Curminad sought the Company's assistance in collecting revenue for the ensuing year so that on the basis of the collections a permanent Kabuliyat for the revenues might be taken from him after making allowance for the amount required for his maintenance. The Raja made this application not only for his immediate district of Curminad but also for Cottiot and Perepnad, which were under his nephew and brother.[2] The Raja of Curminad's anxiety for a permanent settlement could be explained. He did not possess a Kaul from the Company like the other Rajas nor was his succession undisputed. The offer was readily accepted by the Commissioners as they rightly thought that this would serve as an example to the other Rajas. All the Rajas signed an Ikrarnama or agreement by which they agreed that the collections for 968 Malabari style (1793-94) should be made jointly by the Raja and the Company's agents.[3] The Commissioners wanted that during this period of joint collection a thorough knowledge of the existing revenue funds should be obtained which might provide the basis for assessing a fair proportion of revenue from the states. In order that the accounts of land revenue might be properly kept they proposed the establishment of a *Qanungo department throughout the country.*[4] *It may* well have been that in its introduction the Commissioners were guided by Duncan's advice. He had found it useful in Benares. The Qanungo system did not exist either in the time of Hyder Ali or Tipu. The Qanungos besides acting as a check on the illicit and undue exactions

[1] Ibid, pp 445-446.
[2] Ibid, pp 447-448.
[3] Ibid., pp 449-450.
[4] Ibid, pp. 452-453.

that the Rajas and the landholders were in the habit of making, were also intended to serve as local assistants and guides to the Supervisor and the Superintendents,[1] thus providing an useful link in the chain of the administration The Rajas also agreed to transfer to the Company the management of the revenue arising from the customs and retained only the privilege of stationing their agents with the Company's collector to keep an account of their receipts

The Commissioners estimated the revenue collections for 1793 1794 to be about 657,816 Huns or Pagodas,[*] but hoped that in subsequent years the revenue would amount to about 744,570 Huns, in other words 219,706 Huns less than the valuation given in Tipu's jamabandi [3] This deficiency, they thought, was partly because of the previous treaty[4] with the Raja of Cochin and partly because they decided to make no use of Tipu's local com mercial monopoly [5] Thus in reality there was not much difference between the Company's assessment and Tipu's Duncan who was behind all these arrangements received his share of recognition from his superiors Speaking about the revenue settlements in Malabar, Cornwallis wrote to Dundas, 'The Commissioners on the Malabar coast are going on vastly well and my friend Duncan, who is worth all the rest, is of opinion that when the country has recovered from the late distractions, the revenue will be nearly equal to the amount at which it was stated in Tippoo s schedules '[6]

[1] Ibid

[*] One hun or Pagoda was equal to about 3 rupees

[3] Malabar Report 11 October 1793 *Reports and Regulations Malabar* 1792 1793 Vol II pp 73 76

[4] Treaty of September 1790 between Madras Government and Raja of Cochin whereby the Cochin Raja became a tributary of the Company the Raja paying on his part a tribute for the first year of Rs 70 000 for the second Rs 80 000 for the third year 90 000 and for the fourth year and ever after Rs 100 000

[5] Malabar Report 11 October 1793 *Reports and Regulations Malabar* 1792–1793 Vol II pp 73 76

[6] Cornwallis to Dundas, 24 March 1793 Public Record Office 30|11 Box 151

Besides obtaining the Ikrarnama from the Zamorin and the other Rajas of Malabar and fixing the amount of tribute from them, the Commissioners submitted to Government connected codes of revenue and judicial regulations as required for the working of the provincial administration. The regulations bear the deep imprint of Duncan's personality who brought to bear on them the results of his experiences in Bengal and Benares.

The general rules for the revenue department were largely based on those of Bengal as framed in June 1787 but differed slightly from them on certain points. In the Malabar regulations it was expressly provided that the Diwans would also be liable to penal action for lack of integrity.[1]

The Supervisor and the superintendents were required to go on circuit in their respective districts between the months of October and March. The Supervisor, it was hoped, would inspect the working of the superintendents and was to submit an annual report to the Government every year in September commenting on the work and conduct of the superintendents and on the general state of the country for each concluded year.[2]

The regulations also provided against too rigorous a collection of revenue either by the sale of lands or in other ways in cases where the debt might have arisen without any fault or neglect on the part of the landholder, and for a reasonable limitation of interest in cases where it might prove too burdensome to the raiyats.[3] Provision was also made for appeal in revenue cases from the superintendents to the Supervisor, and from the latter (in cases exceeding Rs. 2,000) to the President in council at Bombay.[4] In respect of free lands the regulations laid down that no grants made after July 1793 would be valid.[5] These reforms in revenue administration—the introduc-

[1] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol. I, pp. 303-304.

[2] Ibid., pp. 304-305.

[3] Ibid., pp. 305-306.

[4] Ibid.

[5] Ibid., p. 307.

tion of the Qanungo system, the practice of annual circuit and report, the provision against the sale of land for arrears of revenue; all of which had been successfully operating in Benares and were of great advantage both to the administration as well as to the raiyats—may have been at least partly due to Duncan.

The next code prepared by the Commissioners related to the administration of justice in civil cases with a court of appeal at Calicut and ultimate appeal to Bombay.[1] These regulations were also based on the Bengal code of 1787 with such modifications as were found necessary in view of the special situation of Malabar and its local requirements. They differed firstly from the Bengal regulation in so far as it related to the native officers of the court. They provided that cases of corruption against native officers could be tried by the Chief Magistrate without reference to any of the three provincial civil courts.[2] Secondly a Supervisor's court of appeal was constituted at Calicut for hearing the proceedings of the provincial courts with an ultimate appeal to the Government of Bombay provided that the matter in litigation exceeded the value of Rs. 2,000.[3]

With a view to rendering access to the new courts as easy as possible to the people, the court fee in civil suits was limited to one per cent of the value of the suit. It also provided for the waiving of such fees in favour of really indigent people.[4] In the decision of civil cases the law of the religion of the parties was to be used but when the parties were of different religions the law of the defendant was to prevail.[5] This system was being followed in Bengal.

The Commissioners also provided that the customs and usages prevalent in the community were to be duly considered in the determination of cases. Their libera-

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[1] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol. II, pp. 5-6.
[2] Ibid., p. 1.
[3] Ibid., pp. 5-6.
[4] Ibid., pp. 4-5.
[5] Ibid.

lity may have been at least partly due to Duncan, who had seen in Benares the force of social customs and usages

Some supplementary provisions were added to the above mentioned regulations in July 1793 These were aimed at extending the judicial influence of the Company to Cannanore and other intermediate parts of the province These regulations provided for the appointment at Cannanore, Kalindi, Trevangari, Ponnani Palghat, Vettunad, and also at Chetwa, of subordinate native judges for the administration of justice in civil and criminal cases [1] The Indian judges of these courts were subordinate to the general provincial courts [2] Their civil juris diction was limited to claims not exceeding the value of Rs 200 Thus an attempt was made to associate the Malabarians with the administrative machinery The Commissioners wanted to establish subordinate courts at Cherical, Cottiot, and Cartinad in the north as well as at one or two more intermediate stations in the south But they did not want to impose this on the Rajas against their will They left it to the Supervisor to avail himself of the first opportunity to prevail on the Rajas to consent to the establishment of additional local courts [3]

Regulations were also framed for the establishment of Faujdari courts under darogas for the administration of justice in criminal cases The functions and jurisdictions of the various courts were defined on a pattern similar to those of Benares There were to be local subordinate courts for townships and districts, criminal courts presided over by Indians at the seat of British Magistracies, provincial courts of British Magistrates and lastly a Chief Magistrate's Court [4] The Commissioners suggested that the superintendence of these courts should be vested in the Chief Magistrate as in the case of the Resident at Benares

The Islamic law with the modifications made by the

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[1] Ibid, pp 6-7
[2] Ibid
[3] Ibid, pp 8-9
[4] Ibid, p 19

Bengal Government was to be applied to the Mapilas and other Muslims[1] The Hindus were to be governed by the general laws of their religion keeping in view such local "customs and peculiarities" as existed in Malabar.[2] These local "customs and peculiarities" had been analysed in a paper of observations prepared by Duncan on the basis of a collection of reports made by the Rajas[3] He also prepared a general summary of the criminal laws of the Malabarians and of the Hindus and Muslims, "brought under one point of view and respectively distinguished and discriminated as applicable to all and each of the ordinary and commonly known species and degrees of crimes and offences with remarks relative to each, pointing out in what manner the letter or spirit or the amendments of them, are observed in practice under the Bengal Government"[4] This summary or recapitulation prepared by Duncan constituted the general line of guidance and instruction for the administration of justice in criminal cases It should be remembered that in Bengal only the Islamic law was to be administered in criminal cases but in Malabar the Hindu law was to be applied in criminal cases too if the parties were Hindus This liberality might have been shown to the Hindus to win their support against Tipu, or because of Duncan's sympathy for the Hindus, or because of Duncan's desire to follow the existing practice in Malabar As has been seen earlier, Duncan had on several occasions pointed out to the Government that the Hindus had been suffering under the Islamic criminal law in Benares

The Commissioners next dwelt on the commerce of Malabar Malabar was important for pepper, cardamums and sandalwood[5] Of these pepper constituted

[1] Ibid, pp 17-18

[2] Ibid

[3] Ibid

[4] Shore s minute, 24 February 1794, Consultation 24 February 1794, Bengal Political Consultations Range 115, Vol 19, pp 468-470

[5] Malabar Report, 11 October 1793, *Reports and Regulations Malabar* 1792 93, Vol II, p 27

the most important articles for foreign export and was especially important to the Company's homeward investments.[1]

Duncan received much help in commercial matters from Murdock Brown a merchant who had been trading in Mahi for a considerable time.[2] From the capture of Mahi in July 1793 to Duncan's departure from Malabar, Brown was constantly with him.[3] Though evolving a system of commerce did not directly fall within the duties assigned to Duncan, he applied his mind to this very important matter and considered the commercial usefulness of Malabar to the Company, and how to make the best use of it. They dwelt on the profits which the Company might derive from the export of European goods to Malabar and of the export from Malabar to Britain and other countries.[4]

With the help of Brown, the Commissioners framed regulations for the custom-house department. They divided the province into northern, middle and southern districts. The two superintendents were to be custom-masters of their respective areas while the middle one was to be under the second assistant to the Supervisor. The powder of general superintendence and appeal was vested in the Supervisor.[5]

The rates and rules for the levying of duties were also laid down. The regulations provided, that all imports under the clearances of the custom-houses of Bombay, Madras or Bengal should be free; that imports from other parts of India and from China as well as from Arabia and the Persian Gulf should pay a duty of 4 per cent on their value; that all imports from Great Britain should pay a duty of 3½ per cent on their value; that all imports from Europe in foreign ships should pay a duty of 8 per cent on their value with an exception in favour of the

[1] Ibid., pp. 24-26.
[2] Personal Records, Vol. II, pp. 19-31.
[3] Ibid.
[4] Ibid.
[5] Malabar Report, 11 October 1793, *Reports and Regulations, Malabar* 1792-1793, Vol II, p. 49.

articles of metals, cutlery etc. as may be of bonafide British manufacture; that of the articles brought into the Malabar province by land, pepper, cardamums, sandalwood and nutmegs should pay nothing on importation and that all others should pay a duty of 2½ per cent.[1]

As to the duties on exports it was ordered that pepper should pay 10½ per cent ad valorem; cardamums 12, sandalwood 6, Coorg nutmegs 5, cassia or Malabar cinnamon 4 and that on all other products and manufactures of that country 2½ per cent should be taken on the value of the respective commodities.[2]

The custom-house regulations also provided against the exportation of slaves It laid down that "No slaves or bondsmen, being native of Malabar and either purchased or kidnapped therein for exportation are to be allowed on any pretence whatsoever, to be carried on board of any ship or vessel, and every native Malaberian, who shall be brought to any sea port or to the sea shore for embarkation as a slave or bondsman, is to be forthwith released by the Hon'ble Company's officers on the spot, and the case being reported to the Supervisor he is to fine the purchaser or party attempting to take such person on board, 250 Rupees for every such offence and to prohibit his carrying on any trade whatsoever, or the ship or vessel to which such person belongs, trading or obtaining a clearance till such fine is paid [3] The Dutch port of Cochin, which lay outside the limits of the Company's authority, was a great channel for the slave trade The Commissioners therefore suggested that the Government should ask the Dutch Government at Batavia to prohibit the export of slaves [4] The emphasis on the prohibition of the slave trade may have had some connection with Duncan He appears to have had a general aversion to the institution of slavery. It should be remembered that while at Sandwip he had freed a number of slaves

The regulations also contained prohibitions against the

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[1] Ibid pp 49-50
[2] Ibid, pp 50 51
[3] Ibid, p 51
[4] Ibid, pp 35-36

import and export of military weapons by individuals. This was intended "to root out the inveterate habits among the Natives of going about the country, and on their common concerns, not only armed, but with these arms (such as muskets, swords, and Nayr knives &c) ready prepared and generally drawn and brandished in their hands as if for immediate action, is, relative to all description of warlike stores, and weapons, which are neither to be imported nor exported by individuals; and in the view of withdrawing from the ignorant and prejudiced part of the Natives the principal means of hostility, either against each other or the Company's Government."[1]

The Commissioners also recommended the raising of at least one battalion of Mapilas in the southern and one of Nairs in the northern districts. This was done to accustom them to discipline and attachment to the Company's service.[2]

The Commissioners also suggested the desirability of concluding a commercial treaty with Tipu. Such a treaty, the Commissioners thought would provide a more extensive market for British imports of metals, cutlery, hardware, looking glasses, glassware and broad cloth.[3] It has already been seen that Duncan was in favour of cooperation, in matters of commerce, with the neighbouring powers. He had been instrumental in the conclusion of a commercial treaty with Nepal.

The Commissioners also suggested the establishment of a new and better coinage of gold and silver instead of the Verary or gold fanams that formed the principal currency at that time.[4] These currency reforms were intended to offset the disadvantages that the country had to undergo because of the depreciation of the currency. They realised that by establishing this coinage on the same standard as that of Bengal or Bombay, the demand of Malabar for the different articles of Bengal produce,

[1] Ibid, p. 52.
[2] Ibid, pp 110-111.
[3] Ibid, p. 40.
[4] Ibid, pp. 37-39.

which had suffered a diminution in recent years, would be revived The causes of this diminution were principally due to the disability under which the Malabar traders suffered The importers who had to pay for such goods in cash in consequence of an adverse balance of trade in relation to Bengal had to suffer a loss of eight to ten per cent due to the debased coinage of the Zamorin[1]

The fiscal and commercial reforms enunciated by the Commissioners bear testimony to the skill and ability of Duncan In judging them of course we have to go back to the contemporary history of India and the peculiar position of the East India Company as a quasi commercial and political entity The reforms therefore have far too many compromises The import and export regulations had two fold objectives While effort was made to secure revenue for the Company's administration in Malabar, the interest of British manufactures and shipping were duly kept in view The regulations were clearly intended to encourage the import of finished British products and the export of valuable raw materials and spices It is, however, in the domain of currency reforms and the slave trade that the Malabar inhabitants owe a debt of gratitude to the Commission By the introduction of a new coinage, the trading communities of Malabar, shook off the economic disadvantage under which they had had to labour in comparison with their Bengal competitors

The Commissioners concluded their report on 14 October 1793, and despatched it to Bengal on 24 November 1793[2] The Malabar report is an exhaustive document extending to several hundred pages It contains valuable information on the existing state of affairs in Malabar and bears testimony to the open and enquiring mind of the Commissioners and the pains they took in achieving the object of their commission The fact that most

[1] Ibid

[2] Duncan and Boddam to Government 24 November 1793 Consultation 9 December 1793 Bengal Political Consultations Range 115 Vol 16 pp 167-171

of the recommendations were accepted by the Government, speaks of the masterly way in which the project was executed

The Commissioners traced the history of Malabar from the earliest times to the British occupation of that country[1] Duncan himself contributed an article on the history of Malabar to the Asiatic Researches The Commissioners observed the mode of succession and the domestic manners prevalent among the various tribes and tried to examine the historical basis of the conflicting claims of some of the local Rajas

The writing of such a comprehensive report took a very long time Duncan, who was the chief architect of the ideas and of the report had to rely mainly on the help of Page as Boddam was indisposed and Dow had been deputed to Travancore by the Bombay Government[2] After the departure of Boddam from Calicut, Duncan's task became still more difficult, particularly in view of the manifold queries that were addressed to the Commissioners by the Supervisor regarding his future conduct after their departure[3] The longer time which was taken for the preparation of the report was, however, not wasted Duncan thought that the usefulness and quality of the report had improved because of the time taken in its submission

He wrote to Alexander Ross, "Had we done so in May (as I first wrote to you) we might perhaps have presented his Lordship with indeed a general outline of our Ideas in respect to this country but I fear they would have been very crude & imperfect, and I may add that if we had not gone to the Bottom of things in Malabar, those we leave behind us, would not have done that in our absence, nor would his Lordship have had that full and satisfactory [sic] of (I trust) every point that relates to the future Govt and Prosperity of this country which I

[1] Malabar Report 11 October 1793 *Reports and Regulations, Malabar* 1792 1793 Vol I, pp 73-74

[2] Duncan to Ross, 15 August 1793, Home Miscellaneous, Vol 741, p 1

[3] Ibid

now feel bold enough to predict our Report will contain, & thereby prove I hope the means of laying a permanent & firm basis for the future good Govt of this country, which however I wished to leave, yet—being once begun with it—I own to you, that I do not like to shake hands with, till I have got all the knowledge that I ought to possess concerning it, which I can almost flatter myself with having at length obtained, & our Report thereof is also well advanced—but in writing it out sundry points have occurred that were not before sufficiently elucidated which has obliged me occasionally to make further References & these have of course a little delayed the Progress but must of course have improved it & Ten or 12 or 15 days must see me away from Calicut which I begin to dread as my prison house from which I would not however wish to escape by climbing over the wall but to make my regular Exit in broad daylight after acquitting myself of the different claims upon me "[1]

But Duncan's optimistic hope of bringing peace and order to Malabar soon vanished There were disturbances in the southern districts and Cottiot [2] Duncan realised that it was a difficult task to keep the Rajas in check and prevent them from fighting against each other He therefore requested strong measures [3] He wrote to Ross, "I fear his Lordship's first coup d'cil on this devoted country of Malabar was but too just Henceforth, for as long as there remains a Raja in it they will [sic] struggling for Independence for years to come, & altho' I think I had some personal Influence with most of them yet—now my back is turned & that they are to be governed by Men who are for the greatest part not able to converse with them even thro' the Hindee (which many of themselves very well know) I know not what may be the consequence but I apprehend that without some further coercion & severities, they will not long remain all

[1] Ibid, pp 1-3

[2] Duncan to Ross, 13 September 1793 and 19 September 1793, Home Miscellaneous, Vol 741, pp 9-20

[3] Ibid

quiet"[1] This letter speaks of the political astuteness of Duncan While on the one hand, he rightly thought that the knowledge of one of the indigenous languages would go a long way in gaining a certain amount of confidence of the local people in the foreign administration, he would not hesitate in applying strong coercive methods for bringing to book such of the recalcitrant elements amongst the princes who might raise their heads against the Company

These disturbances created an unfavourable impression on Duncan's mind, he seems to have given way to pessimism, for he wrote to Ross, "I am vexed, that his Lordship will not have reason to be so well pleased with my Deputation as he no doubt flattered himself with when he put me here & that is what hurts me the most"[2]

Duncan and Boddam submitted a supplementary report on 2 February 1794 on their arrival in Calcutta covering the late disturbances and the measures they had taken to suppress them[3]

The Malabar report came up for consideration before the Government on 17 March 1794 Shore, the Governor General, when submitting the Commissioner's report to the Board, himself dwelt on various points raised in the report He commended the political arrangements devised by the Commissioners "in seeking ultimately and securing the effectual intervention of the Company's Government to controul [sic] and keep within due bounds the conduct of the Rajas and all other local authorities"[4] These together with "the introduction and establishment of a permanent political and judicial system of administration by British Civil Officers, are entitled to the appro-

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[1] Duncan to Ross 13 September 1793 Home Miscellaneous Vol 741, pp 12-13

[2] Ibid, p 16

[3] Duncan and Boddam to Government, 2 February 1794 *Reports and Regulations Malabar* 1792-1793 pp 171-217

[4] Shore s minute, 24 February 1794 Consultation 24 February 1794 Bengal Political Consultations Range 115, Vol 19, pp 609 614

bation of this Government "[1] The revenue arrangements made by the Commissioners met with general approval, and Shore recommended to the Board to ascertain the opinion of the Bombay Government concerning a settlement for five or ten years keeping in view the assessments made by the Commissioners[2] Dealing with the part of the report relating to commerce and custom house regulations, Shore acknowledged that these had been collected with great care and made a special mention of the assistance given by Brown[3] Shore highly commended the judicial system for civil cases and pointed out the desirability of having this system introduced in the interior parts of Malabar[4] The regulations for the administration of justice in criminal cases also produced a great impression on Shore, who pointed out that the regulations had been "drawn up with great care, and the approbation and authority which the Commissioners have therein stamped, on the separate paper of 'Explanatory remarks on the Hindoo and Mohammedan Law' as respectively applicable to the trials affecting those two chief branches of the Malabar community, appear to leave nothing more for this Government to add on a subject of such importance than to declare its entire approbation on the system thus established, and to authorise and direct its being fully carried into execution in all its parts, according to the letter and spirit of the regulations left by the Commissioners'[5]

The Government accepted the report and approved of the recommendations of the Commissioners[6] In passing orders, the Government were guided by Duncan's advice As a matter of fact the short rendering of the report which was presented to the Board by Shore was

[1] Ibid, pp 620 622
[2] Ibid, pp 618 620
[3] Ibid, pp 622-626
[4] Ibid, pp 626 628
[5] Ibid, pp 628 630
[6] Resolution of the Board 24 February 1794 Consultation 24 February 1794 Bengal Political Consultations, Range 115, Vol 19, p 759

done by Duncan himself Duncan wrote to Ross, "The Malabar Report has been read (according to what is called short rendering) and all the orders have been passed thereon that I myself could have suggested, & indeed I did suggest them all, as well as make out the summary of the Reports that Sir John Shore has delivered as his minute into the Council "[1] He further pointed out that while perusing the Malabar report, Shore observed that he thought that no other form of Government or less coercive measures could have been adopted with regard to the Rajas than had been proposed by the Commissioners [2]

Shore's personal views apart, the Council were greatly satisfied with the report and communicated their commendation to the Commissioners The Governor General in Council wrote to Duncan and Bodam, that "When we consider the peculiar difficulty attending your Investigations, the various objects to which they have been directed and the success with which they have been pursued, as well as the arrangements which have been formed, we can have no hesitation in bestowing that approbation on your conduct which it is throughout entitled to "[3] Abercromby also wrote to Cornwallis, "The Malabar Commissioners have finished their report, and their conduct has been highly approved of by Government Mr Duncan returned a few days ago to Benares, quite happy at having got such a load well off his shoulders '[4]

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[1] Duncan to Ross 1 March 1794 Home Miscellaneous Vol 741, p 29

[2] Ibid p 30

[3] Government to Duncan and Boddam 12 May 1794, Consultation 12 May 1794, Bengal Political Consultations, Range 115 Vol 23 pp 302-304

[4] Abercromby to Cornwallis 10 March 1794 Public Record Office 30|11, Box 143

CONCLUSION

On 20 August 1795 Duncan left Benares on his way to Bombay, and his eight years' association with the place came to an end He had been sent to Benares to cleanse the 'Augean Stables', to promote the general prosperity of the Zamindari and to assist in "the establishment of a regular administration of justice in the capital and through out the Province" For six years Duncan assiduously devoted himself to his task and when he left Benares it was with the consciousness and satisfaction of work well done In a letter to Ross after mentioning the unsatisfactory law and order that existed towards the territories bordering Oudh, Duncan declared that "But otherwise I have left all things in that District in such a manner and on such a footing as that I am content therewith—and I am sure that everyone will join with me in saying that the country is flourishing very highly,"[1] Duncan's satis faction was shared by Cornwallis as well, who wrote that "It gave me great satisfaction to learn that everything was arranged respecting Benares, and that the removal of Duncan to Bombay (where I am sure he must be much wanted) will not affect the welfare and prosperity of that favourite province, which was always the object of my most anxious care"[2]

Duncan is considered in history as Cornwallis's man and he owed his rise in the service to him Cornwallis who was an excellent judge of people, soon found out that Duncan was a man of extraordinary abilities As a matter of fact, all the Governors General—Hastings, Macpherson, Cornwallis and Shore considered Duncan a capable and intelligent officer Cornwallis found Duncan very useful for the administration especially in matters of revenue Duncan had been working in the revenue department since 1778 and Cornwallis considered him

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[1] Duncan to Ross, 30 August 1795, Home Miscellaneous, Vol 741

[2] Cornwallis to Shore 12 October 1795, Public Record Office 30|11, Box 165

to be the best man in revenue matters except Shore. Cornwallis was so much impressed with Duncan's abilities that even when Duncan was in Benares, he recommended him many times for a seat in the Council. On one occasion, Cornwallis wrote to Dundas, "Mr. Duncan is by far the most proper man in this country for a seat at the Supreme Board."[1] He had so much faith in Duncan's wisdom that when there was a difference of opinion between him and Shore on some points about the introduction of the Permanent Settlement, he referred them to Duncan.[2] Cornwallis noticed in Duncan a complete union of "knowledge, application, integrity and temper" which were the essential requisites of a good officer. He therefore selected Duncan for the Residency of Benares, passing over a number of his senior colleagues. Cornwallis's main purpose in sending Duncan to Benares was to bring that province under proper regulations.

It had become a scene of the grossest corruption and mismanagement. The Raja was a nonentity. The real power was enjoyed by the Naib, who joined the amils in embezzling the revenue due to the Raja and in harassing the people by every form of extortion. After the expulsion of Chait Singh, no doubt the revenue had been maintained but the country had declined. Cultivation had fallen off immensely. Many of the large and good parganas had become waste. But in order to meet the demands of the Government the Naib kept up the Revenue by levying additional abwabs. Side by side with agriculture trade also had declined. Hastings had tried without success to improve conditions but he failed to set the affairs of the province on a firm basis. The maladministration was accentuated by the conduct of the earlier Residents, particularly Fowke who instituted several new cesses for his own benefit and gave large grants of land to Kashmiri Mul, the treasurer. Grant, who suc-

1 Cornwallis to Dundas, 8 August 1789, Public Record Office 30|11 Box 150

2 Cornwallis to Dundas, 7 November 1789, Public Record Office 30|11, Box 150.

ceeded Fowke, was a man of some ability and tried to improve the condition of the country but in rapacity he equalled if he did not surpass his predecessors He not only continued the old cesses exacted by Fowke but also made a large profit by the monopoly of sugar No doubt he removed Kashmiri Mul in 1786, but his place was taken by a Muslim named Sher Jang Therefore, the condition of the province was in no way improved

When Duncan came to Benares, he saw the state of its revenue and tariff administration with grave concern He found the cultivators suffering under an oppressive system of revenue farming The trade was also burdened with multiplicity of duties and illegal exactions In spite of the Government's repeated orders the customs were still being farmed out A change over to an ad valorem duty, in absence of any scientific system for the determination of the value of the commodity taxed, had become a further source of inconvenience and vexation to the merchants Both collection of custom duties and the administration of justice were vested in the Raja and his officers Therefore, no impartial justice could be expected in disputes arising out of the customs administration To this was added the insecurity of life and property as a result of wayside robberies Duncan's efforts to improve the condition of commerce consisted in removing the obstacles to trade as well as in giving direct encouragement to it In addition to the abolition of the farming of customs, he on the one hand either reduced or abolished export, import and transit duties and on the other prohibited all illegal exactions and double duties To give a direct encouragement to traders he gave the Sanyasi merchants the freedom to purchase cotton from any class of dealers and the freedom to use their own boats He took measures to protect the merchants from wayside robberies, and constructed sheds in Mirzapur for the Deccan merchants where they could keep their cotton protected from the rains One of his most important contribution in this connection lies in the establishment of a commercial court for the administration of justice in matters of commercial disputes He

was in favour of cooperation with the neighbouring provinces and the Indian States in matters of commerce especially with the Nawab Vizier of Oudh and the Raja of Nepal

Land revenue administration at the time when Duncan took charge of the province was in no better state The revenue administration although carried in the name of the Raja was actually vested in the Naib The Naib used to settle the parganas with the highest bidders The amils or revenue farmers were responsible for the collection of revenue from the cultivators Every conceivable kind of cess and transit duty was rigorously exacted, and the amils were practically free to impose on the cultivators whatever terms they pleased

Duncan's first act was to abolish the office of the Naib and to vest the revenue administration in the Raja, who was to make the settlement under the instructions of the Resident He drew up schemes of reform for the stability of the revenue and the benefit of the tenants His main reforms were connected with the adoption of an uniform standard of measurement, the substitution of 'kankut' for 'batai', the commutation from kind to cash at a fixed rate, the abolition of all cesses imposed since 1779 and the amalgamation of the remainder with the rental demand, and above all an universal system of lease for each cultivator, with the provision that the rates were not to exceed those prevailing in 1779 With a view to improving the state of cultivation he suggested that lower rates should be fixed for waste lands and that a certain amount of waste land should, if possible, be included in the lease of every tenant In working out the settlement, his original intention was to have all the lands of the province properly measured, but this was found to be impracticable, however, the mere idea of a detailed survey and settlement was in itself a revolution in the existing system of revenue administration Hitherto the demand for each pargana or group of parganas had been settled by auction and the settlement was made with the highest bidder irrespective of the paying capacity of the pargana Duncan on the other hand ordered that the assessment

of each mahal should be first determined, and that the aggregate assessment of all the component mahals was to be the assessment of the pargana The Raja's share was to be the half of the ascertained rental, after deducting 10% paid to the amil for the collection of the revenue and other sums on account of banker's dues The Raja was to pay to the Government a sum of 40 lakhs as the revenue of Benares The real importance of the settlement was that a regular demand determined by the Resident and his agents was substituted for the unchecked system of extortion To decide disputes in revenue matters he appointed a tribunal to sit in the Resident's office and under his immediate supervision Perhaps the most serious obstacle to overcome was the small number of the zamindars with whom settlement should have been made The original terms of Regulation II of 1788 excluded from settlement all the zamindars who had been dispossessed prior to 1775 but it soon became evident that these conditions would cause the rights of many to be unjustly sacrificed, and Duncan made efforts to restore those who had been iniquitously dispossessed by Balwant Singh and his successors Still, the difficulty was great and in the absence of the zamindars the settlements had to be made with other classes of people In effect, the settlement was effected with three different classes two thirds of the province was settled with the zamindars, one fourth with Amils, and the remainder with the cultivating communities Duncan was in favour of settlements for longer periods than one year and a settlement for a period of five years was carried out in some parganas which had decayed In 1789 he assessed the rest of the districts either in person or by his agents and leased some of them as an experiment on ten years' lease He then endeavoured to discover the practicability of extending the decennial settlement to the whole province This was done in 1792 In 1795, under the instructions of the Government, the decennial settlements were made perpetual Thus Duncan's regime was one of a slow transition from revenue farming to the Permanent Settlement in Benares By freeing the tenants from

the exploitation of the amils and the Raja and giving them security of tenure by various patta regulations, and by giving the zamindars a permanent interest in the land, he aimed at an all round improvement of agriculture His decision to retain the institutions of Qanungo and Amil is a further proof of his sincerity towards the cause of the tenants The Qanungos and Amils served as a connecting link between the Government and the tenants

The regulation, production and procurement of opium and its monopolistic control by the Company and its advocacy of the agency system instead of the system of contracts was intended with the sincerest desire to bring prosperity to the cultivators as far as he could His policy towards Indigo plantation was also directed towards the improvement of the conditions of the cultivators At a time when the Company was against any colonization Duncan was in favour of such colonization

Duncan also established regular courts of justice in the province of Benares The administration of justice, both civil and criminal, had long been neglected There were no proper courts for the administration of justice The Raja used to farm it to the amils Hastings saw this when he went to Benares in 1781 He therefore established three distinct departments for the police, criminal and civil jurisdiction of Benares under the control of a chief magistrate, who was to be directly under the Governor General in Council

The jurisdiction of these courts was confined to the city of Benares alone Nothing was done for the administration of justice in the rural areas and other towns of the province In 1786 a Mulki Diwani and Faujdari Adalat had been established for trying country cases but it was not working well Duncan therefore established courts of justice at Jaunpur, Ghazipur and Mirzapur The cases from these courts came in appeal before him He also reorganised the Mulki Adalat to make it more efficient He raised the salary of the judges of the Mulki Diwani and Fauzdari Adalat He also directed the attention of the Government to the power of the creditors to coerce and confine their debtors The Government

ordered at his suggestion that persons convicted in a court of justice of having confined another for debt should forfeit all claims to the debt or pay fines at the discretion of the courts. In 1792 he persuaded the Government to declare dharna illegal. With a view to checking groundless litigation he introduced some public fee on law suits and the system of awarding costs of suits which was followed in the courts of Bengal and Bihar.

Duncan persuaded the Government to allow him a certain degree of latitude in applying the provisions of the Islamic law, which was at that time administered in Benares. He found Islamic criminal law inadequate for dealing with murders and highway robberies. His criticisms of the Islamic criminal law were greatly instrumental in convincing the Government of the inadequacy of the Islamic criminal law.

In his social outlook he seems to have been sympathetic to the Hindus especially the Brahmans. He found that the Hindus were suffering under a criminal law which was not their own. He persuaded the Government to exempt the Brahmans from capital punishment. This illustrated his awareness of, and respect for the sentiments and traditions of the people under his charge. He was also conscious of the need for fostering goodwill for the Company's Government among the people of Benares. He therefore missed no opportunity of showing his respect for the customs, traditions and laws of the Hindus. He was instrumental in the establishment of the Sanskrit College at Benares "for the preservation and cultivation of the Laws, Literature and Religion of the Nation, at this centre of their faith and the common resort of all their tribes." Duncan hoped that its establishment would endear the British Government to the Hindus and train British as well as Indians in Hindu Law. Under the regulations of the College Brahman teachers were to be preferred for appointment to the headship of the College and Brahman students for professorship. While anxious to maintain the privileges enjoyed by the Brahmans under the authority of the customs and traditions of the people Duncan did not hesitate in dealing sternly with Brahmans

who abused their position and influence. This is evident from his efforts to end the 'reign of terror' which some Brahmans had established over the Hindus of Benares by threatening to commit suicide, performing dharna, wounding themselves and murdering their relatives. Sitting dharna was made illegal; proclamation was issued threatening the confiscation of the property and banishment of the families of those guilty of killing their relatives. It was on Duncan's recommendation that Brahmans guilty of murder were transported to Penang.

Duncan's respect for the customs and traditions of the people did not prevent him from denouncing the practice of female infanticide which he found prevalent in the Rajkumar tribes of Jaunpur. He waged a war against infanticide. But the methods of waging wars were unusual. He fought the evil not with legal prohibitions and penalties but by reason and persuasion, citing extracts from the *Vretim Vayant Puran* to prove that the practice was opposed to the true Hindu religion itself. He prevailed upon the Rajkumar chiefs to sign a solemn covenant renouncing the practice.

He was not only the first to notice the prevalence of infanticide but he is also credited with the discovery of Sarnath. As the discoverer of Sarnath, he put Indian Archaeology under a deep debt and his scholarly interests are evident from his knowledge of a number of Indian languages and from the articles he used to contribute to the Asiatic Researches.

Since his regime in Benares was successful, he was sent by Cornwallis to Malabar in 1792 as one of the commissioners for the territories ceded by Tipu to the English by the Treaty of Seringapatam. Cornwallis had sent him "to the Malabar coast, in order to have a chance of deriving any important advantage" from the new acquisitions. Duncan reached Malabar towards the end of 1792 and stayed there till the beginning of 1794. During that period he along with the other commissioners not only formed a plan for the administration but also framed connected codes for the revenue, judicial and customhouse administration of the country. The plan of the

administration was very similar to that operating in Benares He concluded settlements of the revenues for a year with the several Rajas of Malabar and hoped that the revenue of the country would be equal to the valuation given in Tipu's jamabandi in course of time All the recommendations of the Commissioners were accepted by the Government One of the reasons which induced the Court of Directors to appoint Duncan as Governor of Bombay was to enable him to bring matters into order in Malabar [1]

Duncan's activities in Benares were varied and manifold and his genius had many facets As an expert in revenue matters Cornwallis ranked him next only to Shore, as a founder of the Sanskrit College at Benares and a contributor to the Asiatic Researches he showed himself as not an unworthy companion of Warren Hastings and William Jones His war against infanticide foreshadowed the social reforms of Bentinck, while his suggestions for a customs union between Bihar, Bengal and Benares, and for settling European colonists in the country, revealed the breadth of his vision and the boldness and originality of his mind Scrupulously honest, unflinchingly upright, he stands out in a place which had known only men like Fowke and Grant and in a service the members of which Burke had characterised not wholly without justice as "birds of prey and passage with appetites continuously renewing for a food that is continually wasting" His remarkable honesty, untiring devotion to duty, faithful execution of the work entrusted to him by Cornwallis, are all too evident and his contemporaries have praised Duncan highly in this regard "There exists not in the Universe a man of more honest principles, good intentions or laborious zeal," said Malcolm about him [2] David Scott wrote to John Griffiths that "Mr Jonathan Duncan from his survey of his whole conduct and the particular service which he had been so long employed in was thought by those abler than me to be fitter than

[1] David Scott to Duncan, 12 January 1796 *The Correspondence of David Scott* Ed Philips, C H, Vol 1, p 58

[2] Kaye, J W *Life and Correspondence of Malcolm* p 188

any servants on your side of India for the office of Government It was thought here that he had a charge when at Benares of more intricacy and not of much less consequence than if at Bombay"[1]

He belongs to that select band of alien administrators who discovered the secret of governing people, who mastered the rare art of making alien domination not unpalatable to the subject nation and who are remembered as kind benefactors by the people over whom they had ruled Hastings had to depose Chait Singh, but Duncan was able to claim "everything I have adjusted with the Raja has taken place to his full and entire satisfaction and I have left him pleased and content with his own situation under the Company"[2] Duncan spoke of the Raja but he would not have been very unjustified had he included the people of Benares also He brought to his work, a deep and abiding interest in the well being of the people, a wide knowledge and sympathetic understanding of their customs and institutions and real respect and scrupulous regard for their sentiments, traditions and way of life And Duncan's love and respect endeared him to the people of Benares In 1824, nearly thirty years after he had left Benares, Bishop Heber found that Duncan still lived in the hearts of the people and "Duncan Sahib ka Chota bhaee" was the usual term of praise applied to an Englishmen "who appeared to be actuated by an unusual spirit of kindness and liberality towards their nation".[3] Many more years later Erskine Perry found Duncan's name still held in grateful recollection by the people[4]

So Duncan was something more than an honest and hardworking officer who had made himself useful to Cornwallis He had found the key with which he unlocked the hearts of the people of Benares The alien ruler

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[1] David Scott to John Griffiths, 14 January 1796, *The Correspondence of David Scott*, Vol I, p 59

[2] Duncan to Ross, 30 August 1795, Home Miscellaneous Vol 741

[3] Heber, *Journey through the Upper Provinces of India* p 438

[4] Perry, *Bird's-eye view of India* p 229

who can accomplish this might be regarded as a real architect of empire though he lacks the halo of the conqueror and misses the public applause which greets the hero of battle fields. Because of Duncan the British Raj in Benares was safer and stronger. The Clives and the Wellesleys may win an Empire, it is the Duncans and the Munros who keep it.

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(a) Michie Papers They form part of a collection of East India Company papers acquired by the Corporation of London for the Guildhall Library Muniment Room in 1949 These papers consist of what appears to be a small portion of the business archives of John Michie, wine merchant, of 35, Craven Street, Strand, one of the Directors of the Company and eventually its Chairman These papers during the early 19th century were merged in the archives of Fredrick Booth, Attorney, 3 Craven Street, who until about 1825 was vestry clerk of the parish of St Martin-in-the Fields, and acted as Michie's solicitor The Booth muniments, or what survived of them, were, some few years ago, bought by D M Beach, second hand bookseller of Salisbury, Wiltshire, when portions of the archives which had accumulated at the manor of Amesbury were dispersed The section relating to Westminster, and, more particularly, to St Martin's, was bought by Westminster Public Libraries for their Historical Department, whilst the Michie Papers were secured for the Guildhall Library The Michie Papers cover the period C 1760-C 1802 and contain *inter alia* part of John Michie's and his brother Jonathan Michie's correspondence with their nephew Jonathan Duncan There are altogether about sixty letters, of which thirty-three are of dates prior to 1795 John Michie died in 1788 but Duncan's correspondence continued with his other uncle, Jonathan Michie Duncan's letters to John Michie were lengthy and contained personal as well as other official and political information His letters to Johnathan Michie were not as long and informative The correspondence ended in 1802 with the death of Jonathan Michie

(b) Duncan-Ross Correspondence Home Miscellaneous Series, Vol 741 (India Office Library) It contains Duncan's letters to Alexander Ross (at one time A D C to Cornwallis) Duncan's letters date between 15 August 1793 to 3 April 1811 There are altogether nineteen letters, of which nine were written before 1795 The letters deal with Benares, Malabar, Bombay, the death of Lord Cornwallis, expeditions against Isle de France and Java and the capture of Mauritius

(c) Cornwallis Papers Public Record Office, London These represent part of a large accumulation of documents

formerly among the archives at Audley End Fiftynine bundles of official papers of Cornwallis were presented to the Public Record Office by the Fifth Lord Braybrooke in 1880 Some two hundred bundles of similar papers were presented to the department by the present Lord Braybrooke in 1947, and since then further papers have been received, at intervals, from the Essex County Record Office at Chelmsford, where they had been discovered amongst other records deposited by Lord Braybrooke in 1947 Duncan Cornwallis correspondence is among the later acquisitions

(d) Hastings Papers British Museum Additional Manuscripts Some of its volumes throw light on the condition of Benares in his time

(e) Fowke Papers 32 MSS Eur G 3 (India Office Library) It is a letter book of the Resident of Benares and contains letters sent by the Resident to the Governor General and Council, from 1 September 1775 to 5 January 1786 It contains not only letters issued by Francis Fowke, but also those issued by his successors, Thomas Graham between 1777-1780 and William Markham between 1781-1783 Their letters sometimes described the civil government and the administration of justice during the period

(f) Mercer's correspondence It is the correspondence of William Mercer, a captain in the Bengal Army It contains his letters to his sister, Anne Mercer and Jonathan Duncan William Mercer's letter of congratulation to Anne Mercer on her marriage with Duncan is also found in it These lettere are published in *Bengal Past and Present*, Vol 44

(g) *The Correspondence of David Scott* edited by C H Philips Some of Scott's letters mention Duncan's activities in Benares and Malabar

(h) The Private Correspondence of Lord Macartney edited by C C Davies

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GLOSSARY

Abwab or Aboab—subsidiary cess
Adalat or Adawlut—court of justice
Ahdadar—contractor of revenue
Amani or Amanee—held under direct management
Amil or Aumil—revenue collecting officer or revenue farmer
Amilnama or Aumilnamah—rules for the guidance of amils
Amin or Ameen—subordinate revenue officer

Batta—discount
Beya or Beay—weighman s fees
Bigha or Beegah—a measurement of land
Bijak or Beejuck—country invoice
Batai or Betay—land paying revenue in kind
Bhuri or Bhurray or Bhuray—payment made to bankers on account of advances made by them

Chaukis or Chowkis—small custom stations
Chaukidars or Chowkidars—village watchmen
Chura or Choora—sundry
Chhut or Choot—remission of revenue
Chhut Maafi or Choot Maafy—remission or deduction
Chupperband or Chupperbund—settled

Dakhilla—Banker s note payable in a certain number of days
Dandidar or Dandeedar—weighman
Dehyek Maafi or Dheyek Maafy—remission of 10% to the amil for the management of revenue
Doul—Estimate
Dastur ul Amal—general regulations

Engrezee—English

Farigh Khutti—Acquittance
Fasli or Fussuly—The era originated with emperor Akbar It is 592 years back of the Christian era
Faujdari or Foujdari—criminal
Farmayashaat—requisitions

Ganj or Gunj—market
Ghardiwari or Ghurdewari—House or a shop tax

Hindovee—Hindi

Iraki or Irakee—inhabitants of Iraq
Jama or Jumma—Government rental
Jamabandi or Jummabundi—rental statement

Kabuliyat or Cabooleat—An agreement
Kachahiri or Cutcherry—office or court.

Kalsutra or Kalsootur—one of the twenty one hells
Kankut or Kankoot—Appraisement of the outturn of the crop
Khalsa—superior office of collection
Khanasumari or Khana Shumary—House tax
Khangi—private
Khas—under direct management
Khilat or Khelaut—dress of honour
Kist—instalment of revenue
Kistbandi or Kistbundee—Arrangement for payment by instalments
Khudkast or Khoodkast—land cultivated by raiyats residing on spot
Krishnarpana or Kishnarpun—free lands to Brahmans

Maafi or Maafy—remission
Mal—rent
Malguzar or Malgoozar—one who pays rent
Malguzari or Malgoozari—public revenue
Mamuli or Mamooly—customary
Mulki Adalat—court for hearing country cases
Mehal—division of land separately assessed
Mujrai or Mujray—deduction
Mutsaddi or Mutsuddi—accountant or clerk

Naib—deputy
Nankar—allowance made to the qanungos and others
Nazarana or Nuzerrana—gifts or offerings made by cultivators to landlords and others

Paikast or Paykast—non-resident cultivator
Paikar or Pykar—shopkeeper
Pargana or Pergunnah—division of a district
Parwana or Perwana—written order
Patta or Pottah—Lease or agreement
Pujroti—ground rent
Patti or Puttee—share of land
Pattidar or Puttidar—owner of a subdivision of land in an estate

Qanungo or Canoongo—Superintendent of village accounts and registrar of landed property
Qazi or Kazi or Cazee—muslim judge

Rahdhari or Rhadarry—road cess
Razinama or Razenama—agreement
Rowana or Rowannah—pass
Raiyat or Ryot—tenant
Rusum or Roosum—fee

Sabuk—former or previous
Sabuk Dastur—former custom

Sanyasi or Sennasi—religious mendicant who engaged in trade.
Shroff—banker.
Sadar Jama or Sudder Jumma—revenue paid to Government.
Sanad or Sunnud—document or grant.

Taluka or Talook—division of land consisting of several villages.
Talukdar or Talookdar—proprietor of a Taluka.
Tehsildar—an officer appointed for collection of revenue.
Takavi or Tucavee—An advance or loan made for agricultural purposes.
Talbana or Tulbana—peon's fee.
Talab Chitthi or *Tulub Chitty—summons.*

Vakil or Vakeel—authorised agent or pleader.
Vyapari or Beparee or Beoparee—trader or merchant.

Zamindar or Zemindar—landlord.

APPENDIX

Rough survey and census made in the year 1197 Fasli (1789-1790)

Population		2,911,556
Gross revenue funds	Rs 4,267,213 As 10	Rs 4,707,540 As 7
Jaghirs, revenue funds	Rs 440,326 As 13	
Zamindars in possession		3,204
„ out of possession		2,531
Bighas in cultivation		2,713,461
„ out of cultivation		664,693
Rates of revenue, from As 2 to Rs 20		
Total of jagirs in the country		
1st as above	Rs	440,326 As 13
2nd included in and deducted from the above gross revenue funds Raja Ram Gulam Singh, Chehanovi, Ajaib Singh's in Kola Asla Kantu Babu's and Sheriat Ulla Khan's in Balia and Kharid, Raja Adil Shah's and Abdul Singh's in Burhar Vijaygarh and Yuvraj's in Chausa with others	Rs	85,879 As 8 P 6
Total of jagirs	Rs	526,206 As 6 P 6
Gross revenue funds of the customs for 1187 Fasli (1779-1780)	Rs	501,118 As 1 P 9
Gross revenue funds of the lands as above	Rs	4,707,540 As 7
Gross revenue funds of the Krishnarpana lands and charity paid from the mufassil	Rs	200,000
Total annual produce that the revenue was capable of yielding	Rs	5,408,658 As 2 P 4

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